RIGHT

And MIGHT well met.

OR,

A briefe and unpartiall enquiry into the late and present proceedings of the Army under the Command of His Excellency the Lord

FAIRFAX.

Wherein the equity and regularnesse of the said proceedings are demonstratively vindicated upon undeniable Principles, as well of Reason, as RELIGION.

TOGETHER

With satisfactory Answers to all materiall Objections against them.

By IOHN GOODWIN.

Judge not according to the appearance, but judge righteous judgement, Iohn 7. 24.

He that justifieth the wicked, and he that condemneth the just, even they both are abhomination to the Lord, Prov. 17. 15.

Plus togæ læsere Rempublicam quam loricæ. *Tertul.*
Necessitas quæ cogit, excusat. *Sen.*

LONDON,
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TO HIS EXCELLENCY THE LORD FAIRFAX, And his Honourable Councell at Warres.

I make no queſtion but your EXCELLENCY, and Honourable Councell; have, without putting any ſtumbling-block of iniquity before your faces, conſulted all Oracles of Conſcience & Honour, about your preſent, and late proceedings, before you lifted up an hand unto them. The cleerneſſe and integritie of your hearts herein, cannot (I preſume) but laugh to ſcorne all the hard ſayings, and clamorous imputations of men, whom not the knowledge of Truth, but love to themſelves, makes eloquent in declaiming againſt you. The import of your actions ſtanding in full conjunction with that great and publique Intereſt of the Kingdome, muſt needes carry in it an oppoſition to the irregular and by-intereſts of ſuch men, who feare that they muſt ſcatter, if the Kingdom once begins to gather. And it need not ſeem at all ſtrange to you, that men of wit and parts otherwiſe, having the advance of ſuch an antiperiſtaſis, as the tenour of your proceedings accommodates them with, ſhould be able to miſſigure the liberall and ingenuous face of your actions into an abſolute deformity. There is no heart of Oake, or other timber, though never ſo ſound, but that a cunning Painter, eſpecially under ſome particular elevation of fancy for ſuch a worke, will put into a colour of rottenneſſe, and make it looke as if it were ſtark naught. That the glorious worke of caſting

out

out Devils by the finger of God, *was represented unto the people under the notion of as vile and hatefull an action, as lightly can be imagined; no better, then a working by* Belzebub the chiefe of the Devils. *But the best is, that they that speake evil of worthy actions, double their reward in Heaven.*

Hearing and observing the tongues of your enemies hard at worke on every side, in making your sweet things, bitter, your smooth things, rough, and your streight things, crooked, in the imaginations of men, I betooke my selfe to my Pen to counter-worke them, what I may, by resolving your actions into their proper and cleere principles of righteousnesse and honour. If I had onely the reasons and judgements of men to encounter, I should not question a conquest by satisfaction; but when mens judgements are steeled with interest and affection, force of reason and dint of argument, prove (for the most part) but like arrowes shot against a wall of brasse. The holy Ghost takes speciall notice, that the Pharisees, being covetous, derided *our Saviour, notwithstanding his most heavenly*
Lu. 16. 14. *and convincing Doctrine and discourse against that sin.*

I make bold with your Names for countenance to these papers, and humbly present them unto your hand, not to informe you of the righteousnesse of your Actions (wherein I doubt not but you were satisfied from Heaven, before they were in being) but partly to obtaine the safer conduct for them to passe abroad, and partly to account with you for those respects of honour which are, and have been long due unto you from,

From my Study *Jan.* 1. 1648.

Your Faithful Servant in the Lord

JOHN GOODWIN.

Right

Right and might well mett.

THat the children of prey, and men lately under hope of dividing the ſpoyle of this miſerable Kingdome, when it ſhould be reduced under the iron rod of enſlaving tyranny and oppreſſion (between which ſad condition, and it, there was now but a ſtep) ſhould riſe up with paſſionate outcryes, and be ready to curſe the Armie and their late proceedings, with bell, booke, and candle, is no matter of wonder, or much obſervation. But if the body of the people of the Land, or ſuch who have no mind to be gratified with the ſorrowes or ſighings of innocent men, ſhould profeſſe any diſſatisfaction, or ſtond in conſcience about the lawfulneſſe or juſtneſſe of ſuch their engagements; it would argue, either firſt, that they alwayes lived not only free from oppreſſion but from the fear of it alſo, & ſo never had occaſion to enquire, either upon what grounds, and by what meanes, oppreſſion imminent may lawfully be prevented, or incumbent, be ſhaken off and ſuppreſſed; or elſe in caſe, they have ſuffered under oppreſſion, that they never ſaw any viſible or probable meanes of deliverance, and ſo wanted an inviting opportunity to conſider, whether theſe meanes might lawfully be improved in order to ſuch an end, or no. For certainly the grounds and principles upon which the ſaid proceedings of the Army ſtand cleare and juſtifiable, are no parables, no darke, or diſputable notions, or conceptions, but ſuch, wherein even *he that runneth, may read* equity and truth, and which have been aſ-

ſerted for ſuch, by grave, learned, and judicious men, who *neither lent, nor tooke upon uſury*; I meane, who were no wayes intereſted in any ſuch concernment, or caſe, as that now upon tryall.

Sect. 2. Though ſome other things have been of late acted by the Armie, wherein many pretendingly complaine of want of conſcience and juſtice; yet I ſuppoſe they have done nothing, either more obnoxious to the clamorous tongues and pens of their adverſaries, or more queſtionable in the judgements and conſciences of their friends, then that late garbling of the Parliament, wherin they ſifted out much of the droſſe and ſoile of that heap, intending to reduce this body, upon the regular motion wherof, the well-being, indeed, the (civill) life of the whole Kingdom depends, to ſuch members, who had not manifeſtly turn'd head upon their truſt, nor given the right hand of fellowſhip to that moſt barbarous, inhumane, and bloody fact of amongſt us, who for many years laſt paſt have with reſtleſſe endeavours procured the deep trouble, and attempted the abſolute enſlaving, (which is, being interpreted, the utter undoing) of the Nation. So that if this action of theirs ſhall approve it ſelf, and appeare to be regular and conformable to ſuch lawes, and rules of juſtice, which all conſidering and diſingaged men conclude ought to be followed and obſerved in ſuch caſes, as that which lay before them; eſpecially if it ſhall appeare to have been the legitimate iſſue of true worth and Chriſtianity; I preſume all their other actions of lik tenor and import, will partake of the ſame juſtification, and honour, with it.

Sect. 3. Let us firſt take into conſideration the ſubſtance of ſuch exceptions, which can with any pretence of reaſon, or colour of conſcience be levyed againſt the lawfulneſſe of it; Afterwards if it be needfull, we will conſider further, whether thoſe that be with it, be not more, or at leaſt more weighty and conſiderable, then thoſe that are againſt it.

The firſt-born of the ſtrength of thoſe, who condemn the ſaid act of the Army as unlawfull, lyeth in this; that the Actors had no ſufficient authority to doe what they did therein, but acted out of their ſphere, and ſo became tranſgreſſors of that Law, which commandeth every man to keep order, and within the compaſſe of his calling.

To

Sect. 4.

To this I answer 1. as our Saviour saith, *that the Sabbath was made for man* (i. for the benefit of man) *and not man for the Sabbath* [a]; so certain it is, that callings were made for men, and not men for callings. Therefore as the law of the *Sabbath*, though enacted by God, was of right, and according to the intention of the great Law-giver himself, to give place to the necessary accommodations of men, and ought not to be pleaded in bar hereunto; in like manner, if the law of callings at any time opposeth, or lyeth crosse to the necessary conveniences of men, during the time of this opposition, it suffereth a totall eclipse of the binding power of it. It is a common saying among the Jewish Doctors, *that perill of life drives away the Sabboth*; yea Master *Ainsworth* citeth this saying out of the *Hebrew Canons: Circumcision in the time thereof driveth away the Sabbath*; and afterwards, *that perill of life driveth away all* [b]. So that as there were severall cases, wherein (as our Saviours expression is) they *Who polluted the Sabboth were blameless* [c]; In like manner, there are very many cases, wherein men may transgresse the ordinary law of Callings, and yet be no transgressors. Therefore unlesse it can be proved, that the Army had no necessity lying upon them to garble the Parliament as they did; their going beyond their ordinary callings to doe it, will no wayes impaire the credit or legitimateness of the action.

[a] Mat. 12. 27.

Periculum vitæ pellit Sabbatum.

[b] Gen. 17. 12. 13.

[c] Mat. 12.

Sect. 5.

2 Nor did they stretch themselves beyond the line of their callings, to act therein as they did. Their calling and commission was, to act in the capacity of Souldiers for the peace, liberties, and safety of the Kingdome. What doth this import, but a calling to prevent, or suppresse by force, all such persons and designes, whose faces were set to disturb, or destroy them? Nor did their Commissions (I presume) limit or conclude their judgements to any particular kind of enemies, as if they had only power, or a calling thereby, to oppose or suppresse, either such, who should confesse themselves enemies, or such, who by the interpretation or vote of any one patty, or faction of men in the Kingdome, should be reputed and deemed enemies: but all such, without exception, whom they upon competent grounds, and such, as upon which discreet men in ordinary cases are wont to frame acts of judgement, and to proceed to action accordingly, should judge and conclude to be enemies. Or if it

shall

shal be supposed, that by their Commission they were limited to judge only those enemies to the Kingdome, with their abbettors and supporters, who were in Armes with the King, or on the Kings behalfe against the Kingdome, in their Representatives; those Parliament-men, whom they have excluded from sitting in that house, having notoriously discovered themselves to be men of this engagement-friends and abettors of those, who very lately were, and yet in part are, in armes against the peace and safety of the Kingdome, in this consideration fall directly and cleately under their Commission; and consequently, by warrant hereof, they have, and had a *calling*, to proceed against them as they did.

Sect. 6. 3. If the calling which the Parliament it self had to levy Forces against the King and his Party, to suppresse them, and their proceedings, as destructive to the peace, liberties, and safety of the Kingdom was warrantable and good, then was the calling of the Armie to act as they did in the busines under debate warrantable and good also. But the antecedent is true, therefore the consequent also. The minor proposition, *viz.* that the calling of the Parliament, to levy Forces against the King and his Party, in order to the ends mentioned, was every wayes warrantable and good, I presume will not be denyed by Parliament-men themselves. Or if they should deny it, they would but deny the Sunne to be up at noon-day, in as much as the truth thereof hath been brought forth into a clear and perfect light by many Pens, yea and by their owne (in many of their Declarations) yea, and Mr. *Prynne* himself hath set it up in a great volume as *upon a mountaine, that it cannot be hid*, though by the fervency of his late Devotion to the Kings interest and cause, he hath attempted the melting down of that mountaine.

Mr. *Prynne* Sover power of Parliamẽ s and Kingdomes.

Sect. 7. The connexion in the maior proposition is valid upon this consideration. The Parliament (or at least the Parliament men who did the thing) had no other calling, to oppose the King and his, by force, but only the generall call of the Maior part of the people, by which they were enabled to act in a parliamentary capacity [i. more effectually, and upon more advantagious termes, then singly, or out of such a capacity, they could] for their good. By this call by the major part of the people, they were enabled only in a generall, implicit, and indefinite manner

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to raiſe forces againſt the King and his complices, for the ſafe-tie, nd behooſe of the Kingdome. So that the particularity of this action was not warranted ſimply by the nature, or tenure of their call, but by the regular and due proportion which it had to the accompliſhing of the end, for which they were choſen or called, *viz.* the peoples good. From whence it followes, that whether they have been in a parliamentary capacity, or no, yet if they had been in a ſufficient capacity of ſtrength or power for matter of execution, their call to doe it, for ſubſtance, had been the ſame though not for forme. And ſuppoſe there had beed no Parliament ſitting, or in being, when the King and his party roſe up in Armes againſt the Peace, liberties, and ſafety of the Kingdome; doubtleſſe if any one man had been able to have ſecured the Kingdom in all theſe againſt them, his action had not been cenſurable for want of a calling to it; in as much as e-very member, as well in a body politique, as naturall, hath a ſuf-ficient call, y e an ingagement lying by way of duty upon it, to act at any time, and in all caſes, according to its beſt and utmoſt capacity, or ability, for the preſervation and benefi of the whole. Now then, ſuppoſing the ſame propotion to the peace, benefit, and ſafety of the Kingdome, in what the Army did in purging the Parliament, and in what the Parliament it ſelf did, in oppo-ſing the King by force (which is a point of eaſie demonſtration, and is *ex ſuper abundanti*, proved in the large Remonſtrance of the Army lately publiſhed) let us conſider, whether the call of the Army, to act for the Kingdome as they did, be not authen-tique, cleare, and full, as that of the Parliament to act as they did in reference to the ſame end.

Firſt, the authority and power of the people [or rather the preſent exerciſe and execution of this power] to act for their own preſervation and well being in every kind, was as well for-mally, and according to the ceremonie of the Law, as really, & according to the true intentions and deſires of the people; veſted in the Parliament. So that the Parliament by vertue of this in-veſtiture, and during the ſame, had the ſame right of power to raiſe an Armie, and to give unto it what Commiſſion they iudg-ed meet, in order to the benefit of the people, or to act any o-ther thing of like tendency, which the people themſelves had, to chuſe for themſelves a Parliament. Therfore whatſoever hath *Sect.* 8.

within

within the verge of the Armies Commission derived from the Parliament, relating to the Kingdomes good, they have as full and formall a call or warrant to act, and put in execution, as the Parliament it self had, either to raise an Army, or to doe any other act whatsoever. If then first, the tenor of their Commission stood towards any such point as this, (which I presume is no way questionable) *viz.* to suppresse by strong hand, all such persons, whom upon rationall grounds they should judge enemies to the peace and welfare of the Kingdom; and secondly, that those Parliament Members, whom now they have cut off from that body, were upon such grounds judged such by them, (of the truth wherof they have given a super sufficient account in their said late Remonstrance;) it is as cleare as the Sun that their calling to act as they did in cutting of these Members, is every whit as legitimate and formall, as that of the Parliament it self is to act any thing whatsoever, as a Parliament.

Sect. 6. Nor is it of any value to pretend here; and say, that it is not to be beleeved, that a Parliament should give any Commission unto men, to act against themselves: or in a destructive way to their priviledges, or honours. For to this I answer.

First, that law-givers, whilst they are sober, and in their right minds, may very probably make such Lawes, for the ordering and restraint of persons distracted and madd, which, in case they afterwards become distracted, may, and ought to bee put in execution, upon themselves. And in case any of those Parliament men, who joyned in granting that Commission unto the Army, by which they were inabled to fight slay and destroy all those that were in armes against the Parliament, should afterwards have turned Cavaliers themselves, and bin found in armes against the Parliement (as some of them, if my memory faileth me not were) they might very lawfully have been encountred & destroyed by the Army, by vertue of that Commission which was granted by themselves.

Sect. 10. Secondly, what onely one Emperour explicitely spake to an inferiour Officer created by him, when hee delivered him the Sword; *If I doe justly, use this for me; if unjustly, use it against me;* the same implicitely, and according to the exigency of the trust committed by Office, doth every superiour Magistrate say unto him, whom he chuseth and admitteth into a place of subordi-

Si juste egere, hoc utaris pro me: Si iniuste contra me.

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nate office, or power under him, For *the punishment of evil doers*, and so the procurement of the publike good, doth not lye by way of Office, or duty, upon the cheife Magistrate onely, but upon all subordinate Magistrates also, and Officers whatsoever. This is evident from this passage in *Peter*: *Submit your selves to every ordinance of man for the Lords sake, whether it be to the King, as supreame, Or unto Governours.* [*i.* inferiour Magistrates or Officers] *as to them that are sent by him for the punishment of evill doers, and for the praise of them that doe well* (a) So then, *the punishment of evill doers*, and this simply, without all partiality, or distinction of persons, (which are things sinfull in all Magistrates whatsoever, as well subordinate, as supreame) and likewise the protection and incouragement of *those that doe well*, lying by way of Office and duty, upon all those, who by the *King*, or supreme Officer, are invested with any power of authority, though subordinate; evident it is, that whensoever a *King*, or other Supreame authoritie, creates an inferiour, they invest it with a legitimacy of magistraticall power to *punish* themselves also, in case they prove *evill doers*; yea and to act any other thing requisite for *the praise* or incouragement of the good. Nor is there any pretence here for such an exception, as the Apostle *Paul* findes in the grand Commission of Christ. *But when hee saith all things are put under him, it is manifest that he is excepted, which did put, all things under him.* (b) God the Father being uncapable of sinne is not capable of losing that soveraigne dignity, which is native and essentiall to him; and consequently, not capable of comming into subjection under any creature, as *Christ* Mediator, in respect of his humane nature, is. But Kings and Magistrates of the highest, being very capable even of such sins, which are destructive to the peace and welfare of the people under them, and repugnant to the incouragement of those *that doe well*, and consequently, which appertain to the cognizance of every Magistrate, to whom the care of such things is intrusted, are very capable also of forfeiting that dignity, which is naturall and essentiall to them, as Kings, or Supreame, and of rendring themselves obnoxius to those authorities and powers, which out of such cases, are under them, but upon such miscarriages, are above them; as *Reuben* forfeited that *excellency of dignity*, which appertained to him, as *the first borne* of his Father, by *going up*

(a) 1 Pet. 2. 13, 14.

(b) 1 Cor. 15. 27.

(b) Gen. 49. 3. *unto his Fathers bed.* [b] Upon this very ground *Calvin* himſelfe, *Zuinglius*, and other reformed Divines, and the *Scottiſh* Miniſters themſelves (more generally) and Mr *Prynne* more voluminouſly then they all, determine and adjudge it, not onely lawfull, but matter of duty and charge lying upon the ſubordinate Magiſtrates, to curb and bridle the tyrannous extravagancies and incurſions of Kings and Princes againſt their people. [c] But

c See *Calvin* and *Zuinglius* cited by Maſter *Prynne*, with apprbation upon the account. Sover. Power of Parl. & Kingdoms. p. 199. And the Scottiſh Miniſters in their brief Theſis *de Majeſtatis jure.* M. S.

Secondly, ſuppoſe the Army had not a call to act this they did, in the caſe under debate, every wayes as full of formality, as the call of the Parliament to act as they did, in oppoſition to the King, yet might their call be (and indeed was) as materiall, as weighty, as conſiderable, and as juſtifyable in the ſight of God, and of all unprejudiced intelligent men, as the other.

Sect. 11. The call of the Parliament we ſpake of, was from the *perſons* of the people, expreſſed by formality of words, or other ordinary geſtures, teſtifying ſuch a call from them: and this call they (or moſt of them) received from the people, whilſt as yet they (the people) were in no viſible, at leaſt in no imminent or preſent danger of being ſwallowed up in ſlavery and tyranny. But the call of the Army, to deny the opportunity of the Houſe, to thoſe Members of Parliament, whom they ſequeſtred, was from the ſtrong and importunate cries of the peoples *Liberties*, yea, and of many of their lives, being now laid upon the Altar, ready to be offered up in ſacrifice upon the ſervice of the luſt and revenge of a moſt inhumane generation of men, who (it ſeemes) thirſted after them with that furiouſneſſe of thirſt, that they made no ſpare of their own deare lives themſelves to make the purchaſe, and were now under a great additionall enragement, as having been for a long time chafed up and down in their own blood, and by a ſtrong hand kept faſting from their deſires. Now the calls of the miſeries and extremities of men for reliefe, are more authorizing, more urging, preſſing, and binding upon the conſciences of men, who have wherewithall to afford relief unto them, then the formall requeſts or lections of men to places of truſt or intereſt, when the electors have no ſuch preſent or preſſing neceſſity upon them, for the interpoſall of the elected on their behalfe: The neceſſities of men *call* more effectually then men themſelves; yea, the truth is, that the calls of men, calling others to help or aſſiſt them, being in a tollerable condition of ſubſiſting, without receiving

receiving the help they call for, are but dallyings or ſportings, and ſhadowes of calls, in compariſon of the loud, vehement, and importunate cries of the exigencies and extremities of men, though the men themſelves ſhould hold their peace.

Fourthly, (and laſtly to the firſt Objection) the common ſaying, that *in caſe of extream neceſſity all things are common*, extends unto *calling* alſo. In caſes of neceſſity all *callings* are common, in order to the ſupply of the preſent neceſſity. *David* and his men being hungry, were all *Prieſts*, in reference to the ſatisfaction of their hunger, and did, and that lawfully, eat that *bread which* (as our Saviour himſelfe affirmeth) *was lawfull onely for the Prieſts to eat*[a]. *Polanus* a reformed Divine of good note, granteth, that *when Biſhops & Eccleſiaſtiques are defective either in will, or skill*, for *the reformation of Religion, and the Church*; *laicks* or privat men *may lawfully ſupply their defect herein*, & act the part of Biſhops or Eccleſiaſtical perſons, in ſuch reformation.[b]

Sect. 12. In caſu extremæ neceſſitatis omnia ſunt communia. *Aqu.* 21æ: qu. 32. art. 7.

(a) Mat. 12. 4.

(b) Laicis licet curam de Reformanda Religione, & Eccleſia ſuſcipere, ceſſantibus, vel non facientibus officium, vel facultate deſtitutis Epiſcopis & Eccleſiaſticis. Polan. Symph. c. 9. Theſſ. 2.

When the Pilot, or Maſter of a Ship at Sea, be either ſo farre overcome and diſtempered with drinke, or otherwiſe diſabled, as through a phreneticall paſſion, or ſickneſſe in any kinde, ſo that he is uncapable of acting the exigencies of his place; for the preſervation of the Ship, being now in preſent danger, either of running upon a Quick-ſand, or ſplitting againſt a Rock, &c. any one, or more of the inferiour Mariners, having skill, may, in order to the ſaving of the Ship, and of the lives of all that are in it, very lawfully aſſume, and act according to the intereſt of a Pilot, or Maſter, and give orders and directions to thoſe with them in the Ship accordingly, who ſtand bound at the perill of their lives in this caſe to obey them. By ſuch a compariſon as this Maſter *Prynne* himſelfe demonſtrates how regular and lawfull it is for *Parliaments*, yea and for particular men, to turn Kings, I mean, to aſſume that intereſt and power, which the Law appropriates to the Office, and veſteth onely in the perſon of a King, when the King ſteereth a courſe in manifeſt oppoſition to the peace and ſafety of the Kingdome.

The paſſage in Maſter *Prynne*, though it be ſomewhat large, yet being through and home to the point in hand, I ſhall preſent Verbatim. *Goe to now* (ſaith this *Anti Prototyrannicall* Spirit) *in this our Politique Ship, the Maſter gluts himſelfe with wine, moſt of his Aſſiſtants either aſleep, or drunk with mutuall*

cups, ſportingly behold an imminent rock. The Ship in the meane time, either holds not that courſe which is expedient for the owner, or ſeemes ſpeedily to be wracked. What thinkeſt thou is here to be done under the Maſter, by one who is vigilant and ſolicitous? Shall he pull thoſe by the eares who are aſleep, or onely jogge them by the ſides? But in the mean time, leſt he ſhould ſeem to do ought without their command, ſhall he not affoord his help and aſſiſtance to the indangered Ship? Truly what madneſſe, or rather impiety, will this be? Seing then (as Plato *ſaith) TYRANNY IS A CERTAIN PHRENSIE and drunkenneſſe, the Prince may utterly ſubvert the Republique, the moſt of the Nobles may collude, connive, or at leaſt are faſt aſleep; the people, who are Lords of the Republique, by the fraud and negligence of their Miniſters, which is their fault, are reduced into greateſt ſtreights: in the mean time there is one of the Nobles, which conſiders the incroaching tyranny, and deteſts it from his ſoul: what thinkeſt thou is now to be done againſt him by this man? Shall he onely admoniſh his Colleagues of their duty, who themſelves doe as much hurt as they may? But beſides, as it is perilous to admoniſh, and in that ſtate of things it may be deemed a capitall crime: ſhall he do like thoſe, who contemning other helps, caſting away their Armes, ſhall cite Lawes, and make an Oration concerning Iuſtice, among theeves, in the midſt of a wood? But this truly is that which is commonly ſaid, to be mad with reaſon. What then? ſhal he grow deaf at the peoples groanes? Shall he be ſilent at the entrance of theeves? Or ſhal he finally grow lazy, and put his hands into his boſome? But if the Lawes appoint the puniſhment of a Traytor againſt one wearing buskins on his legges, who counterfeits ſickneſſe for feare of the enemies, what puniſhment at leaſt ſhal we decree againſt him, who either through malice or ſlothfulneſſe ſhall betray thoſe whom hee hath undertaken to protect? But rather he ſhall command thoſe things that are needfull to ſuch as are wary, by a Mariners ſhout: he ſhall take care leſt the Common-wealth receive any detriment, and ſhall preſerve the Kingdome even againſt the Kings will and reſiſtance, by which HE HIMSELF BECOMES A KING, and ſhall cure the King himſelf as a frantick man, by BINDING HIS HANDS AND FEET, if he may not otherwiſe do it.* Thus far Mr *Prynne*; and full far enough to juſtifie whatſoever is ſaid in theſe papers for the juſtification of the Army in their *binding the*

hands

hands and feet of ſome frantick Parliament men (as himſelfe in a Platonick ſtrein phraſeth thoſe *who either through malice or ſlothfulnes ſhall betray thoſe, whom they have undertaken to protect.*)

It were eaſie to multiply inſtances of like import. But by what hath been argued, the nullity of that argument againſt the proceedings of the Army, drawn from the defect of a calling to act as they did, fully appeareth.

A ſecond Objection is this: They *reſiſted* Authority, or the powers lawfully ſet over them, and therein the *Ordinance of God*: and therfore their fact is to be condemned, and cannot be juſtified: I anſwer.

Sect. 13. The ſecond main Objection.

Firſt, To reſiſt Authority, imports either a detracting or denial of obedience to the juſt commands of Authority, or elſe the ingaging of a mans ſelfe to diſſolve, and take away the Authority. Now certain it is that the Army, in that act of theirs now in queſtion, did neither the one, or the other. Firſt, the authority of Parliament had made no ſuch Act, paſſed no ſuch Vote, that none of their Members, though voting, or acting never ſo palpably, or with never ſo high a hand againſt the Intereſt, peace, and liberties of the Kingdome, ſhould be debarred ſitting in their Houſe. In which reſpect, the Army debarring thoſe Members, which had thus voted and acted, ſitting in that Houſe, did not reſiſt Authority in the former ſenſe. Or in caſe it ſhould be ſuppoſed, that the Authority of Parliament had made ſuch an Act, or paſſed ſuch a Vote, as that mentioned, unleſſe the equity & juſtneſſe of it could be ſufficiently cleared, the crime of reſiſting authority could not upon any ſufficient ground be imputed to thoſe, who ſhould decline obedience to it.

Sect. 14.

Secondly, neither did the Army in the foreſaid act, reſiſt Authority in the latter ſenſe: becauſe what they did, no way imported any diſlike of Parliament authority, nor had any tendency towards the abolition, or taking of it away; but onely implied a diſapprovement of the factious carriage of things in this preſent Parliament, as evidently bent againſt the ſafety, liberties, and well-being of the Nation; and tended withall towards a prevention of the like, or worſe, for the future. But as for their approbation of, and reſolution to maintain Parliaments, and Parliamentary Authority, (ſtated and formed in a regular and due proportion to the behooſe and benefit of the King-

Kingdome) they ſtand abundantly declared to all the World in their late *Remonſtrance.*

Sect. 15. If it be here yet further ſaid; Yea but though it ſhould bee granted, that they did not *reſiſt* Authority, in either of the two conſiderations ſpecified, yet they did that, which is worſe, or every whit as bad, as either of them. For they offered violence to perſons in authority, and would not ſuffer them to act in that authoritative capacity, which was lawfully veſted in them; To this alſo I anſwer;

Firſt, it is lawfull for any man, even by violence, to wreſt a Sword out of the hand of a mad man, though it bee never ſo legally his, from whom it is wreſted. The reaſon is, becauſe in caſe a man that is mad, ſhould be let alone with a Sword in his hand, either untill he be willing of himſelfe to part with it, or untill it can be recovered from him by a due proceſſe and courſe of law, there is a probability in Reaſon, and according to the frequent experience of the workings of ſuch a diſtemper, that he will doe much miſchiefe with it in the mean time: and the lives and limbs of men, are to be preferred before the exorbitant wils, or homours of men under diſtemper. This is the very caſe in hand. The Members of Parliament diſ-hous'd by the Army, were ſtrangely ſtruck with a politicall phrenſie (as *Plato* [illegible] meth it) they acted as men bereaved of their ſenſes, that had [illegible] forgotten the buſineſſe committed unto them, and that knew, or underſtood nothing of matters relating to the peace or [illegible] being of the Kingdome, or of thoſe who had intruſted them with their power: their counſels and votes of late ſtill ſmil'd upon their own enemies, and the grand and moſt iuveterate enemies of the Kingdome, but frown'd, and look'd gaſtly upon their friends, and thoſe that had conſtantly guarded them with their lives and eſtates.

Hic furor haud dubius; hæc eſt manifeſta phreneſis. i.
This madneſſe is without all doubt,
And phrenſie manifeſt throughout.

Now then Parliamentary power being in the hands of theſe men, but as a Sword or Speare in the hands of a man diſtraught in his Wits and Senſes, wherewith he is like to doe little or no good, but in continuall danger of doing much harme, it might very lawfully, and with the full conſent of all principles

principles of reaſon, equity, and conſcience, be ſeized upon, and taken from them by a ſtrong hand, for the prevention of ſuch miſchiefes and miſeries, which, remaining in the hand, it daily and hourly threatened to bring upon the whole Nation and Kingdome.

Secondly, The King had as legall and formall an inveſtiture into to the power of the Militia, of ſitting in Parliament, &c. as theſe men had into their Parliamentary places and truſts: yet did not the Parliament unjuſtly, or contrary to rules of equity, upon a plenary diſcovery of a bent in his will and counſels to ſuppreſſe the liberties of the Nation, to deprive him, and that by force, of the injoyment and exerciſe of thoſe intereſts and priviledges, notwithſtanding the legality of their inveſtiture in him. Therefore upon a like diſcovery of the ſame bent in the wils and counſels of theſe Parliament men, the lawfulneſſe of their elections into their places of truſt, cannot reflect any unlawfulneſſe upon tht act, by which they were removed from, or debarred of them. *Sect.* 16.

Thirdly, (and laſtly) there is no Clyent that hath entertained a Lawyer, or Advocate to plead his cauſe, but upon diſcovery, yea or jealouſie, of prevarication, and falſe-heartedneſſe to him in his cauſe, may lawfully diſcharge him, his entertainment notwithſtanding. There is the ſame liberty in a Pupill, or perſon in his minority, to diſ-entruſt his Guardian, how lawfully ſoever choſen, upon ſuſpition of male-adminiſtration, or unfaithfulneſſe. And why ſhould the like liberty be denyed unto a people or Nation, for the removing of ſuch perſons, whom they have choſen for Guardians to their Eſtates and Liberties, from theſe places of truſt, when they evidently diſcerne a direct tendency in their proceeding, to betray them, both in the one and the other, unto their enemies? *Sect.* 17.

But two things (it is like) will bee here objected. Firſt, that the Parliament were Judges lawfully conſtituted, of the Kings delinquency againſt the Kingdome; but the Army were no Judges of ſuch a conſtitution, of the miſcarriages of the Parliament. Therefore there is not the ſame conſideration, in point of lawfulneſſe, in the proceedings of the Army againſt the Parliament, which is of the Parliaments proceeding againſt the King. There is the ſame difference likewiſe betweene the act of a Clyent and

and Pupill, wherin the one dischargeth his Advocate, and the other his Guardian; and the act of the Army, in dethron ing the Parliament men. To this I answer,

Sect. 18. First, That whether we place the lawfulnesse of a Parliamentary Judicature in respect of the Kings Delinquency, either in their Election by the people, r in the conformity of this their Election unto the Lawes of the Land, certaine it is that the Army were Judges of every whit as competent, and lawfull a constitution of their delinquencies in the same kinde. For,

First, If we measure the lawfulnesse of Parliamentary Judicature by the call of the people thereunto, the Army (as was formerly proved) hath every whit as lawfull a constitution to judge who are enemies to the peace and safety of the Kingdome, as the Parliament it selfe hath. Nor doth it at all argue any illegality in their judgements about the Parliament men, that they had not the explicit and expresse consent of the people therein, or that they had no call by them so to judge; no more then it proveth an illegallity in many Votes and Ordinances of Parliament, that they were both made and published, not onely without the particular and expresse consent, but even contrary to the minde and desires of the people or at least of the major part of them. Besides it is a ridiculous thing to pretend a want of a call from the people, against the lawfulnesse of such an act, which is of that soveraign necessity for their benefit and good, which the actings of the Army were; especially at such a time, when there is no possibility of obtaining, or receiving a formall call from the people, without running an eminent hazard of losing the opportunity for doing that excellent service unto them, which the providence of God in a peculiar juncture of circumstances, exhibit's for the present unto us. Mens consents unto all acts manifestly tending to their relieſe, are sufficiently expressed in their wants and necessities.

If it bee yet said; But the people doe not judge the proceedings of the Army against the Parliament men, as tending to their reliefe, or welfare in any kinde, but as contrary unto both, nor doe they give so much as their subsequent consents thereunto; I answer (besides what was lately said to the nullifying of this pretence) that Physitians called to the care and cure of persons under distempers, need not much stand upon the consents of such

ſuch patients, either ſubſequent, or antecedent, about what they adminiſter unto them. If the people be uncapable in themſelves of the things of their peace, it is an act of ſo much the more goodneſſe and mercy in thoſe, who being fully capable of them, will ingage themſelves accordingly to make proviſion for them. It is a deed of Charity and Chriſtianity, to ſave the life of a lunatique or diſtracted perſon even againſt his will. Beſides it is a ruled caſe amongſt wiſe men, that *if a people be depraved and corrupt, ſo as to conferre places of power and truſt upon wicked and undeſerving men, they forfeit their power in this behalfe unto thoſe that are good, though but a few.* So that nothing pretended from a non-concurrence of the people with the Army, will hold water.

Porrò ſi paulatim idem populus depravatus haeat venale ſuffragium, & regimen flagitioſis ſceleratisque committat, recte adimitur populo talis poteſtas dandi honores, & ad paucorum honorum redit arbitrium. Aqu. 12æ. qu. 67. art. 1. *Sect.* 19.

Or,

Secondly, If we eſtimate the lawfulneſſe of that Judicature, by the conformity of their elections thereunto, to the Lawes of the Land, the inveſtiture of the Army into that judicature, which they have exerciſed in the caſe in queſtion, is conforme unto a Law of farre greater authority, then any one, yea then all the Lawes of the Land put together; I mean, the Law of nature, neceſſity, and of love to their Country and Nation: which being the law of God himſelfe written in the fleſhly tables of mens hearts, hath an authoritative jurisdiction over all humane Lawes and conſtitutions whatſoever; a prerogative right of power to over-rule them, and to ſuſpend their obliging influences, in all caſes appropriate to it ſelfe. Yea many of the Lawes of God themſelves, think it no diſparagement unto them, to give place to their elder Siſter, the law of neceſſity, and to ſurrender their authority into her hand, when ſhe ſpeaketh. So that whatſoever is neceſſary, is ſomewhat more then lawfull; more (I meane) in point of warrantableneſſe. If then the Army ſtood bound by the Law of nature and neceſſity, to judge the Parliament men as they did, *viz.* as men worthy to be ſecluded from their fellowes in Parliamentary intereſt, this judiciary power was veſted in them by a Law of greater authority, then the Lawes of the Land; and conſequently the legality, or lawfulneſſe of it was greater, then of that in the Parliament, which derives its legality onely from a conformity to the eſtabliſhed Lawes of the Land. Yea the truth is, that the Law of neceſſity, by which the Army were conſtituted Judges of thoſe Parliamentary Delinquents

we ſpeak of, cannot (in propriety of ſpeech) be denyed to be *one of the Lawes of the Land*, being the law of nature, and conſequently the law of all Lands, and Nations whatſoever, eſtabliſhed in this, and in all the reſt, by a better, and more indubitable legiſlative Authority, then reſide in any Parliament, or community of men whatſoever.

Sect. 20. If it be here further objected; yea but what neceſſity was there lying upon the Army, to aſſume that judicative power unto themſelves, which they exerciſed upon the Members of Parliament? It is an eaſie matter to pretend a neceſſity (almoſt) for every unjuſt, and unrighteous thing; but not ſo eaſie to judge what ſuch a neceſſity is, which is authorized by God with a ſuſpenſive power over humane Lawes. To this I anſwer,

First, That they cannot (at leaſt in the ordinary ſignification of the word) be ſaid to *aſſume* a power of judicature unto themſelves, who only judge either of perſons, or of things, in reſpect of themſelves, and with relation to what concernes themſelves by way of duty, either to do or to forbeare. The exerciſe of ſuch a judgeing, or judicative power, as this, is impoſed by God, by way of duty upon all men: and woe unto them, who do not judge, both perſons and things, in ſuch a conſideration, as this. The neglect, or non-exerciſe of that judging faculty or power, which is planted in the ſoules and conſciences of men by God, upon ſuch termes, and with reference to ſuch ends as theſe, draweth along with it that ſin, which the wiſe man calleth, the *deſpiſing of a mans wayes*, and threatneth with death. *But he that deſpiſeth his wayes ſhall dye* [a]. Now certain it is, that the Army did exerciſe no other judicary power then this, about, or upon thoſe Parliament-men, nor in other reſpect, nor with any other conſideration, then to their own duty concerning them; which every other perſon in the Kingdom, either did, or ought to have done, as well as they. Every man is bound to conſider, judge, and determine, what is meet and neceſſary for him to doe, either to, with, for, or againſt, all other men; or at leaſt all ſuch, to whom he ſtands in any relation, either ſpirituall, naturall, or civill. That judgement then which the Army paſſed in their own breſts and conſciences upon thoſe Parliament-men, as *viz.* that they were ſuch, whom they ſtood bound in duty, having an opportunity in their hand to do it, to cut off as unſound members

[a] Prov. 19. 16

from

from their body, was nothing elſe but the iſſue, fruit, and effect of that conſideration of them and of their wayes, which they ſtood bound to levie, raiſe, and engage themſelves in about the one and the other. If the judgement which they paſſed in this kinde was erronious, it was not erronious through an uſurpation of an unlawfull power to judge, but either through a defect and weakeneſſe of thoſe diſcerning, or judging abilities, which they ſtood bound (however) to uſe; or elſe through an oſcitancie, careleſneſſe, or ſloath, in not improving or acting theſe abilities, as they might, and ought, to the diſcerning of the truth. Certainly they who judge theſe Parliament-men worthy Patriots, or Members of their Houſe, or meet to have beene let alone without diſturbance in their way, doe aſſume the ſame power of judicature concerning them, yea, and conſerning the greateſt and weightieſt matters of State, which the Armie did, when they judged them meet to be ſequeſtred. Yea they who judge, and condemne the Army as evill-doers, for what they acted about theſe men; and not onely ſo, but ſmite them alſo with the ſword of the tongue, reviling them without any juſt warrant or ground, doe they not every whit as much uſurp, and aſſume to themſelves a power of judging, without any authority at all, as the Armie did in that very act of judgement, at which they make themſelves ſo highly agrieved? Inſomuch that to all ſuch, that of the Apoſtle may be juſtly applied. *Therefore thou art inexcuſable, O man, whoſoever thou art that judgeſt. For wherein thou judgeſt another, thou condemneſt thy ſelfe: for thou that judgeſt, doſt the ſame things.* Nay, if we ſpeake of an authoritative power to judge, they who preſume to juſtifie and abſolve the Parliament-men from the crime charged upon them, and to condemne the Army for charging them, are farre deeper in the uſurpation of ſuch a power, then the Armie. For the Army (as hath been ſaid) had a legall commiſſion from the Parliament it ſelfe, to oppoſe, ſlay, and deſtroy the enemies of the Kingdome, and therein a kind of authority derived unto them, to judge of theſe enemies, when they ſhould meet with them (for a Commiſſion or warrant to apprehend, or deſtroy ſuch and ſuch perſons, without a liberty, or power, either granted, or ſuppoſed, to judge them ſuch, when they are found, were a ridiculous nullity) whereas they, who being private men, ſhall undertake, not onely to cenſure, judge,

and ſentence the Army as Malefactors in what they have done; but to proceed likewiſe to the execution of this their ſentence by inflicting the penalty of ſtigmaticall and opprobrious terms upon them; by caſting them out of the affection of their friends, by firing the ſpirits, and ſtrengthning the hands of their enemies againſt them, doe all this without the leaſt colour, ſhadow, or pretence of any lawfull authority whatſoever. But

Sect. 21. 2 That the judgement or ſentence which the Army paſſed upon thoſe men, as meet to be diſpoſſeſſed of their Parliamentary intereſt, was not erronious in either of the conſiderations mentioned, or in any other, but every waies juſt, and according to the truth, ſtands cleer upon this ground, *viz.* that they were become Renegadoes from their Truſt, and acted by their counſels, debates, votes, and intereſts, in a Diametrall oppoſition to the peace and ſafety of the Kingdome, and to publique good. Yea, the tenour of their Parliamentary actings before their removall from the Houſe, in the known dialect of pollitical! propheſie, preſaged nothing but ruine and deſtruction to the liberties of the free-borne Subjects of the Kingdom in generall, and to the lives and eſtates of many thouſands in the Kingdome, whom they ſtood bound in conſcience, in a ſpeciall manner to protect. For what could that grand encouragement, which they adminiſtred by their Votes to a potent party of men in the Kingdome, who had ſo lately, and with ſo high an hand, acted hoſtility againſt the peace and liberties of the people, and againſt the lives of thoſe who ſtood up to protect them, not having given the leaſt overture of any relenting in their old principles, but were now through that extremity of paine which they lye under, having beene ſo often, and ſo deeply bitten, and ſtung by the fidelity and valour of the Army, more enraged in their ſpirits, then ever; what could (I ſay) ſuch an encouragement, given by ſuch hands, unto ſuch men, but portend, either a re-imbroyling of this already miſerably-waſted Nation, in warres and blood, or elſe the neceſſitie of a patient and quiet ſubjection of the Nation to the iron yoke of perpetuall tyranny and bondage, together with the certaine ruine of the lives and eſtates of thoſe, who had ſhewed moſt faithfulneſſe and courage in the defence of the Parliament and the Kingdomes liberties, in oppoſiug the King and his party, if the Army had not preventingly interpoſed, as they did? The

by-paſt

by-paſt actions of men, eſpecially ſuch, which they have for any conſiderable ſpace of time in-ured themſelves unto, are propheticall of what their future actions are like to be, if opportunity paralleleth. The civill Law ſaith, that *he that hath injured one, hath threatned many:* and by the rule of proportion, he that hath injured many, hath threatned all. It is the ſaying of that late great Scholar and Stateſ-man, Sir *Francis Bacon*; That *mens thoughts are much according to their inclination: their diſcourſe and ſpeeches according to their learning, and infuſed opinions: but their deeds are after as they have beene accuſtomed.* Inſomuch as afterwards he ſaith, *As a man would wonder to heare men profeſſe, proteſt, engage, give great words, and then do juſt as they have done before* *. Yea the Scripture it ſelfe giveth teſtimony to this maxime, that what men have been by cuſtome, they are like to be by continuance. *Can the Ethiopian* (ſaith God himſelf to the Jews) *change his skin, or the Leopard his ſpots? then may yee alſo doe good that are accuſtomed* [or, taught] *to doe evill* a. And elſewhere (ſpeaking of the ſame people) *They hold faſt deceit, they refuſe to returne. —— no man repenteth him of his wickedneſſe, ſaying, What have I done? Every one turned to his courſe* [or race] *as the horſe ruſheth into the battle* b, meaning, that as the warlike horſe, having been for a while curb'd and held in by his Rider, with a ſharp bit, & ſtrong hand, ruſheth with ſo much the more violence and and fury into the battle, when he feeles his liberty; In like manner theſe men, (and it is the caſe generally of all men) when they had been at any time reſtrained for a while, whether by my word, or my iudgments upon them, from theſe vile practiſes: ſtill upon the firſt opportunity that they found themſelves looſe, they re-practiſed their former wickedneſſe with ſo much the more eagerneſſe and keeneneſſe of ſpirit.

* Eſſaies. Eſſ. 27.

a Ier. 13. 23.

b Ier. 8. 5, 6.

Sect. 22.

It were eaſie to bring Authorities in great numbers, both divine and humane, and theſe attended with a like traine of examples, both ancient and modern, for the further confirmation and credit of this axiome, that men generally are much more like to practice on their owne vices, then to fall off to the exerciſe of other mens vertues. But by what hath been delivered in already upon this account, moſt evident it is, that the men deparliamented by the Army, were in their full carreere, to the utter undoing of the Kingdome, when they were diſmounted: and conſe-

conſequently, that the judgement of the Army looking upon them, as perſons meet to be diſcharged from that great Truſt, wherein they ſo prevaricated, was according to righteouſneſſe and truth. Therefore

Sect. 23. 3. (And laſtly as to the objection laſt propounded) it is no ſuch great matter of difficulty, clearely to diſcerne, and judge of ſuch emerging neceſſities (at leaſt of many of them) which are authorized by God with a prerogative intereſt of ſuſpending humane Lawes. Hunger is by the holy Ghoſt himſelfe enrolled amongſt thoſe neceſſities, which are inveſted by God with a faculty and right of ſuſpending his owne lawes, ſo farre and in ſnch caſes, as they oppoſe the reliefe of it. *Have yee not read* (ſaith our Saviour to the *Phariſees*) *what* David *did when he was an HUNGRY, and they that were with him, how he entred into the houſe of God, and did eate the ſhew-bread, which was not lawfull for him to eate* (*viz.* in ordinary caſes) *neither for them that were with him, but for the Prieſts only* a? meaning, and yet were innocent and unreprovable, notwithſtanding the tranſgreſſion of a divine Law, (as touching the plain and expreſs letter of it.) Now if God hath aſſerted ſuch a priviledge unto the neceſſity of *hunger*, whereby to ſuperſede the conſcientious obligation of his own law, in order to its preſent ſatisfaction, much more hath hee anthorized it to the ſuperſeding of any conſtitution or law, meerely humane, in reference to ſuch an end; unleſſe wee ſhall thinke, that hee is more jealous for the obſervation of the lawes of men, then of his owne. So then if it be no great matter of difficulty for a man to judge when he is *an hungry*, evident it is, that there are ſome caſes of neceſſity obvious enough, whereunto the lawes of men ought to give place, and to be content to be, as if they were not. For the reaſon why *hunger* is inveſted with ſuch a priviledge from God, as we ſpeake of, is not ſimply, as, or becauſe, it is *hunger*, i. ſuch a peculiar and determinate [illegible], which in a way proper to it ſelfe, threatneth and endangereth the life of man; but in reſpect of the generall nature of it, and as it ſimply threatneth and endangereth this life, if it be not timely healed by the application of food, or nouriſhment. It was the precioufneſſe of the lives of men in Gods ſight, not any reſpect he bare to any particular way, or meanes of endangering them, which obtained from him the grant of ſuch a priviledge unto *hunger*, that in order to

a Mat. 12. 3, 4, 5.

it's

it's neceſſary ſatisfaction, it ſhould over-rule his own law. So that whatſoever elſe it be, as well as *hunger*, which ſo apparently menaceth, or portendeth ruine and deſtruction to the lives of men, partakes of the ſame indulgence and grant of priviledge from God, with *hunger*, and is facultated by him, in order to the prevention of the miſchief menaced, to tranſgreſſe a Law without guilt of ſinne. By the cleare warrant of this conſideration and deduction, the Jewes extended that grant of priviledge, which God (as we have heard) made, or indulged explicitely unto *hunger* only, unto all manner of things and caſes whatſoever, whereby, and wherein life was expoſed to imminent hazard and danger. Their common maximes were (as they were formerly mentioned, *Sect.* 4.) that *danger of life drives away the Sabboth*: *Perill of life drives away all, &c.* Now if the perill of the life of one man, or of a ſmall parcell of men (as *David*, and *thoſe that were with him*, were no great party) was priviledged from heaven with a ſinleſſe tranſgreſſion of a ſpeciall law of God; certainly, the imminent dangers of bloody combuſtions in the middeſt of a great Nation, wherein the lives of many thouſands were like to be ſacrificed, beſides the hazard of bringing many other moſt deplorable & ſad calamities upon the whole Land, which (as hath beene proved) wrought effectually in the counſels and actings of the diſſeated Parliament-men, is a broad and unqueſtionable ground of equity and right, for the Army to build a prevention or diverſion of them upon, though it be with a temporary diſobedience to ſuch lawes of men, which were never (doubtleſſe) intended by the Law-makers themſelves, for the binding, either of mens conſciences, or their hands, in ſuch caſes.

Pericu'um vitæ pellit Sabbatl um. Periculum vitæ pellit omnia.

Sect. 24.

Onely, leſt the truth we aſſert, ſhould poſſibly ſuffer through any mans miſtake, I ſhall adde one thing by way of caution, or explication about the premiſes. When wee ſeeme to approve of that principle of the *Jewes*, wherein they ſay, that *Perill of life drives away all*, and ſpeak many things concerning the priviledges of neceſſity, we do not ſuppoſe, nor intend to ſay, that men may lawfully tranſgreſſe every law or precept of God whatſoever, for the ſaving of their lives, being in danger, as for (example) that they may lawfully lie, forſweare themſelves, deny *Chriſt*, or the like, in ſuch caſes; for men (doubtleſſe) ought rather to accept

cept of death, then *deliverance*, upon ſuch tearmes as theſe. But that which we ſuppoſe upon the account ſpecified, is onely this; that hunger, or any parallell exigence or neceſſity, have ſuch an indulgencie of priviledge from God, which extendeth to the ſuſpenſion of all ſuch Lawes, as well Divine, as humane, in order to the ſafety of men lying under them, which the light of nature, and that ſence of equity and of what is reaſonable, planted in men by God, may well judge to have been intended by the reſpective Law-makers, not for Lawes of an abſolute and univerſall obligement, without all manner of exception, but onely for the regulating of men in ordinary caſes, and ſuch as are of more frequent and uſuall occurrence. Now certain it is, that as there are ſome Divine Lawes which fall under this conſideration (as we have ſeene) ſo there are ſcarce any (if any at all) of humane conſtitution, but are ſubject unto it; I meane, which may not, according to the regular intentions of the Law-makers themſelves, loſe their binding force and authority for a time, as caſes may be; it being a true Rule, ſubſcribed as well by Lawyers as Divines, that *Every Law binds onely according to the regular and due intention of the Law-maker.*

Sect. 25.

Omnis Lex obligat ſecundum rectum voluntatem legiſlatoris obligantis. Daven. Determin. p. 100.

Omnis Lex ordinatur ad communem hominum ſalutem: Et in tantum obtinent vim & rationem legis: ſecundum verò quod ab hoc deficit, virtutem obligandi non habet. Aqu. 12æ. qu. 96. art. 6.

The reaſon why no humane Law, can reaſonably be judged to bee of univerſall obligation (no, not according to the intention of the Law-makers themſelves) is, firſt, becauſe the adequate end and ſcope of Law-makers in their Lawes, is preſum'd to be, the publique and common benefit and good of the community of men, who are to obey them. Now (as *Aquinas* the Schooleman well obſerveth) it *often falles out, that that, which ordinarily, and in moſt caſes is much conducing to common good, in ſome particular caſe would bee moſt repugnant and deſtructive to it* (a): whereof he gives an inſtance; unto which many others might readily be added. Therefore in ſuch caſes, wherein the obſervation of a Law, cannot but be of dangerous conſequence, & prejudiciall to the publique, it is to be preſumed, that it was no part of the intention of the Law-givers that it ſhould be obſerved, or bind any man. Ibidem.

(a) *Contingit autem multoties, quod aliquid obſervari communi ſaluti eſt utile, ut in pluribus, quod tamen aliquibus caſibus eſt maximè nocivum.*

Secondly

Secondly, it being out of the Sphere of all earthly Law-makers, to foreſee, or comprehend all particular caſes, that may poſſibly happen, they generally content themſelves with framing ſuch Lawes, the keeping whereof ordinarily, and in caſes of a more frequent occurrence, is conducing to publique benefit and ſafety, not intending by any of theſe Lawes to obſtruct or prejudice the publique, in any anomalous or unthought of caſe; but to leave perſons of all Intereſts and qualities at full liberty, to provide for the publique in ſuch caſes, though with a practicall contradiction to any, or all of their Lawes. *Sect.* 26

Quia igitur Legiſlator non poteſt omnes ſingulares caſus intueri, proponit legem ſecundum ea, quæ in pluribus accidunt, ferens intentionem ſuum ad communem utilitatem. Unde ſi emergat caſus in quo obſervatio talis legis ſit damnoſa communi ſaluti, non eſt obſervandi. Aquin. *ubi ſupra.*

Thirdly (and laſtly for this) If it could, or ſhould be ſuppoſed, that humane Law-givers are able to comprehend and make proviſion for all poſſible emergencies and caſes, yet were it not expedient (ſaith my Authour) for the Common-wealth, that they ſhould multiply Lawes to ſuch a number, as the particular ſtating & regulating of all ſuch caſes would neceſſarily require. Confuſion in Lawes ought to be avoyded, which yet could not be avoyded, if particular and expreſſe proviſion ſhould be made in them, for the regulation of all perſons, of what different capacities, or conditions ſoever, under all poſſible occurrences, in a due proportion to the common intereſt and benefit of men. *Sect.* 27.

Nullius hominis ſapientia tanta eſt, ut poſſit omnes ſingulares caſus excogitare: & ideò non poteſt ſufficienter per verba ſua exprimere ea, quæ conveniunt ad finem intentum: & ſi poſſet Legiſlator omnes caſus conſiderare, non oporteret ut omnes exprimeret propter confuſionem vitandam: ſed legem ferre deberet ſecundum ea, quæ in pluribus accidunt. Ibid.

Theſe things conſidered, evident it is, that there was never yet any Lawgiver amongſt men, who, underſtanding himſelfe, ever intended to impoſe any Law of a politique conſtitution upon men, without a reſerve for thoſe, on whom it was impoſed, to provide for themſelves, or for the publique good in caſes of neceſſity, beſides, yea and againſt, the literall import of ſuch a Law. Therefore perill of life, which is the moſt confeſſed caſe of neceſſity of all others, though it cannot claime exemption from under ſome of the Lawes of God (ſuch as were lately intimated) yet may it challenge this priviledge in reſpect of the Lawes of men. The reaſon of the difference hath been already in part ſignified *Sect.* 28.

nified, but more compleatly is this: *viz.* becauſe thoſe Lawes of God, which we now ſpeak of, prohibiting ſuch actions, which are intrinſecally, and in their proper natures, as being contrary to the eſſentiall purity and holineſſe of God, and not onely becauſe they are prohibited, matter of defilement unto men, muſt needes be of univerſall obligation, in as much as no neceſſity whatſoever can be greater then, nor indeed equall to, this, that a man refraines all ſuch actions, which are morally, eſſentially, and intrinſecally corrupting and defiling: whereas the civill or politique Lawes of men reſtraine onely ſuch actions, the forbearance whereof, as in ordinary caſes, it is commodious for the publique Intereſt, ſo in many others, poſſibly incident, would be detrimentous and deſtructive to it. In which reſpect all the neceſſity of obeying ſuch Lawes as theſe, may for the time, not onely be ballanced, but even ſwallowed up and quite aboliſhed by a greater neceſſity of diſobeying them. And concerning ſuch Lawes of God himſelf, which we call typicall, or ceremoniall, becauſe they reſtrain onely ſuch actions, which are not intrinſecally, or eſſentially ſinfull, or defiling, as not being in themſelves repugnant to the holineſſe of God, but had the conſideration of ſinne, put upon them by a Law, in reference to a particular end; hence it commeth to paſſe, that God was graciouſly pleaſed, and judged it meete, to ſubject ſuch Lawes as theſe to the preſſing neceſſities of the outward man; or rather (indeed) to thoſe other Lawes of his, by which he commanded reliefe for them; as it is written, *I will have mercy, and not ſacrifice.* This by way of caution. But

Sect. 29 Secondly, Another thing, that (its like) will be objected, upon, and againſt what hath been anſwered to the ſecond maine objection, is this: That the Parliament men diſturb'd in their way by the Army, at leaſt many of them, were Religious and conſcientious men; voted, and acted as they did, conſcientiouſly, really judging the courſe they ſteered, to be the ſafeſt and moſt direct for bringing the great Ship of the Common wealth into the harbour of reſt and peace. And is it not contrary, as well to principles of reaſon, as Religion, that ſuch men upon ſo *faire* an account as this, ſhould be ſo *fouly* handled? To this I anſwer;

Firſt (not to queſtion that, which I make no queſtion but will

will be sufficiently proved in due time, I meane, the *Religiousneſſe* of the Gentlemen ſpoken of) Religious men, are as well men, as religious: & conſequently, are nor yet baptized into the ſpirit of that divine prerogative, which ſhould make them (in the Apoſtle *Iames* his phraſe) ἀπείραστος κακῶν, perſons *un-temptable by* things that are *evill*. They that are capable of *receiving* gifts, or of any inordinacy in their deſires after earthly accommodations, how wiſe, or juſt ſoever they be otherwiſe, are ſubject both to have their eyes blinded, and their words perverted: *A guift* (ſaith God himſelfe) *doth blind the eyes of the wiſe* [*i.* of thoſe that are religiouſly wiſe, as well as others; the Scripture not often tearming any men *wiſe*, but upon that account] *and pervert the Words of the righteous.* (a) *A gift*, or any thing equivalent to a *guift*, & that not onely after it is received, but much more whilſt it is yet deſired, and expected, is apt to have both theſe ſad operatona even upon the beſt of men. For who can be better then thoſe whom *Wiſedome* and *righteouſneſſe* joyne hand in hand to make excelent? Iam. 1. 13. a Deut. 16. 19.

Secondly, When men are religious onely to a mediocrity; and withall ſervile in their judgments to ſome principles, which are commonly and with great confidence and importunity obtruded upon the conſciences of profeſſors, for ſacred Truths, and yet are extreamly diſcouraging, and full of enmity to a thorough, ſtable, and quiet dependence upon God, by being religious upon ſuch tearmes as theſe, they become twofold more the children of feare, then otherwiſe they were like to be, and conſequently, ſo much the more capable and receptive of ſad & diſmall impreſſions from the World upon all occaſions. And it is not more commonly then truely ſaid; that *Feare is a bad Councellor*. *Sect.* 30. *Peſſimus Conſiliarius Timor.*

Thirdly, When religious men ſinne againſt the common Intereſt and liberties of a free borne Nation, and make one purſe with the knowne and thrice-declared enemies of their Land and people, whether they doe it, with, or againſt, their judgements and conſciences, the Law of nature and neceſſity, cannot (for the preſent) ſtand to make, either a ſcrupulous inquiry after ſuch a difference, or a regular aſſignement of favour to the qualifying circumſtances of demerit; but cals, yea & cries out immediatly, and commands all men without exception, that have a prize in *Sect.* 31.

their hand, to give it for the redemption of their Nation out of the hand of Oppreſſion and Tyranny. And when this Law hath bin obeyed to the ſecuring of the Nation, ſhe preſently reſigneth, and this freely and willingly, all her authority and command, into the hand of poſitive and ſtanding Lawes, calculated for the ordinary poſture and ſtate of things, untill there be another cry of like dangers in her eares. When theſe ſtanding Lawes come to reſume their authority and power; there will be an opportunity to inquire if it ſhall be thought convenient, who ſinned, with, and who againſt their conſciences: and their aſſeſments, which were we uniformely rated by the Law of neceſſity, may be reduced to tearmes of more equity by thoſe other Lawes. But

Sect. 32. *Corrupto optimi eſt peſſima.*

Fourthly, According to the Notion of that maxime in naturall Philoſophie, that *the corruption of the beſt, is worſt*, ſo are the miſcarriages and errours of the beſt men, of worſt conſequence (in many caſes.) The *digreſſions* of men religious, are many times worſe, then the thorough *diſcourſes* of other men. When conſcience and concupiſcence meet (as oft they doe in religious men) the conjunction is very fiery. It was the ſaying of *Gregory* long ſince, *When men conceive of ſinne under the notion of a duty, there it is committed with an high hand and without feare.* (a) Nor ever was (nor is ever like to be) the perſecution of the Saints more grievous, then when thoſe that ſhall perſecute them, and *put them to death, ſhall thinke that* [therein] *they doe God ſervice.* (*b*) So that whereas the objection in hand plead's, on the behalfe of thoſe Parliament men, who were religious, that they followed the light and dictate of their judgements and conſciences, in complying with the King, and his complices; the truth is, that though it may reaſonably be thought ſo much the leſſe ſinfull in them, if they did it upon ſuch terms; yet was it a ground ſo much the more juſtifiable for the Army to proceed upon to the diſ-intereſſing of them, as they did. For when religious men breake out of the way of righteouſneſſe and truth, with the renitency and obmurmuration of their judgements and conſciences, it is a ſigne that their jndgements and conſciences are yet at liberty, and in condition to reduce them. But when theſe are confederate with their luſt, there is little hope of their repentance. But

(a) *Cum vitium virtus putatur, culpa ſine meta cumulatur, Greg. de Paſtor. cur. l.* 3. *c.* 1.

(*b*) Joh. 16. 2.

Sect. 33. Fiftly (and laſtly, for this) whereas the objection intimates ſome

ſome hard meaſure offered unto them, being men of conſcience, and acting according to their judgements, the truth is, that I know not how the Army could walke towards them with a ſofter foot, to ſecure the liberties of the Kingdome, together with their owne lives and eſtates, againſt the menaces of their judgements and conſciences, then they did.

A third grand Objection, wherewith ſome encounter that action of the Army, hitherto juſtified, is this: they therein (ſay theſe men) made themſelves Covenant-breakers, and ſinned againſt the Solemne Vow and Oath which they, or at leaſt ſome of them, ſware unto God *with hands lifted up to Heaven*, (if not with hearts alſo.) In this Covenant they promiſed and ſware, that they would *endeavour with their eſtates and lives mutually to preſerve the rights and priviledges of Parliaments*, whereas by that violent diſmembring of the Parliament, they brake and trampled upon them. To this we anſwer (more briefly.) *Sect.* 34. *The third maine objection.*

Firſt, That moſt certaine it is, that it is no right or priviledge of Parliament to Vote or Act in oppoſition to the benefit and good of the Kingdome, and thoſe who have intruſted them. It is impoſſible that any thing that is ſinfull, ſhould be the right or priviledge of any perſon, or ſociety of men under Heaven. Therefore if the Army did nothing more, but onely reſtrain from acting in ſuch a way, they did not herein violate a Right or priviledge of Parliament.

If it be replyed, that though it be no *right or priviledge of Parliament* to Vote, or Act contrary to their truſt; yet it is a *right and priviledge* belonging to this Houſe, that in caſe any of the Members ſhall any time ſo act, or vote, they ſhould not be queſtioned, or ſuffer for ſo doing; at leaſt, not by any other power, but by that of the Houſe it ſelfe onely; To this alſo I anſwer. *Sect.* 35.

1. By conceſſion, that this is indeed a *right and priviledge of Parliament*, taking the word *Parliament* in a due and proper ſignification; *viz.* for a Parliament conſiſting of a competent number of men not dead to their truſt, who are in a capacity of faithfulneſſe and integrity to diſcharge the office and duty of a Parliament, in endeavouring at leaſt to relieve the preſſures and grievances of the people, to protect their liberties, &c. It is the manner of the holy Ghoſt himſelfe in the Scripture, frequently

to

to deny the common Name of things, to ſuch particulars in every kind, which are defective in thoſe properties for uſe and ſervice, which ſhould be found in them, and which are found in other particulars of the ſame kind. Thus *Paul* expreſly, *He is not a Jew which is one outwardly, neither is that circumciſion which is outward in the fleſh: But he is a Iew which is one inwardly; and circumſition is that of the heart in the Spirit, not in the letter, &c.* So eſewhere: *When ye come together into one place, this is not to eate the Lords Supper* b. *This is no t&c.* meaning, that as they went to work, that which they did, deſerved not the Name of an *eating of the Lords Supper*. Therefore

a Rom. 2. 28, 29.
b 1 Cor. 11. 20.

Sect. 36

2. By way of exception, I anſwer further, that if by *Parliament*, he meant any number of men whatſoever, choſen by the people into Parliamentary truſts, and ſitting in that Houſe, where Parliaments (truly and properly ſo called) uſe to aſſemble about the great affaires of the Kingdome, whether theſe men, or the major part of them, love the intereſt of the Kingdome, and be cordially affected to the liberties of the people, or no, I know no ſuch *right or priviledge of Parliament*, as that ſpecified. A *Parliament* that is unuſefull and unſerviceable for Parliamentary ends, is no more a *Parliament*, then a dead man, is a man; or a Virgin deflowred, a Virgin. And as a dead man hath no right or priviledge of a man (truly ſo called) belonging to him, unleſſe it be to be ſo ordered & dealt with, that he may not be an annoyance or offence unto others: ſo neither do I know any right or priviledg of a *Parliament* indeed appertaining to a *Parliament* politically dead, and which is not animated with a ſpirit of faithfulneſſe to the publike, unleſſe it be to be ſo entreated and handled, that it may not deſtroy the publique Intereſt, or endammage their Truſtees (the people) in their liberties. It is a rule in Logicke; that an argument drawn from termes of diminution, is of no validity, or force. As for example, when a man is dead, it doth not follow; that becauſe he is a dead man, therefore he is a man, or hath the properties of a man, as that he is rationall, riſible, or the like. By the reaſon which rules in this principle or maxime, our Saviour denies that inference of the Jewes, who argued themſelves to be the children or ſeed of *Abraham*, becauſe they were his carnall ſeed, or came from him according to the fleſh. *If yee were Abraham's children* (ſaith he to them) *ye would*

A terminis diminuentibus, non valet argumẽtatio.

doe

doe the works of Abraham a: implying, that because they did not the works of *Abraham*, they where not his children (*viz.* in that proper and emphaticall sence, wherein the Scripture is ordinarily to be understood, when it speaketh of *Abrahams Children*, and of the great promises & priviledges belonging to them.) In like manner the Apostle *Paul*, when hee speaks of the priviledges and blessednesse setled by promise upon *Abraham* and his seed, still understands the word, seed, not in that diminutive or equivocall sense, wherein it comprehendeth as well his *carnall* or wicked seede, as that of a more noble descent, but in that emphaticall, weighty, and appropriate sence, wherein it onely signifieth the *children of Abraham* indeed, *i.* spiritually such, and who resemble him in his faith and holinesse. See the Texts in the Margent. After the same manner, when either the lawes or people of the Land, in their accustomed discourse, (and consequently the Solemn League and Covenant) speake of *rights and priviledges of Parliament*, they (doubtlesse) doe not take the word, *Parliament* in an equivocall and comprehensive sence, wherein it may be extended to any thing, which in any sence or consideration may be called a *Parliament*, but in an emphaticall & restrained sence, *viz.* as it signifieth a politicall body, consistory, or court of men, chosen by the people into Parliamentary Trust, faithfully prosecuting and discharging the import of the trust committed to them. If this property be wanting in them, they are but a *Parliament* so called, not having the worth or consideration, whereunto *such Rights & priviledges* which are called, *Parliamentary*, either according to principles of reason and equity, or according to the intention of the first Donors or founders of them, doe belong or appertaine. The premisses considered, evident it is, that the Army did not violate or breake any the *rights and Priviledges of Parliament*, properly, or *Covenantly* so called, when they reduced the Parliament to the true nature, dignity, and honour of a Parliament, by secluding such Members from it, who altered the property, and turn'd the glory of it into a lie.

a *John* 8 39.

Gal. 3. 7. 9. 16. 29. *Rom.* 4, 13. &c.

2. Be it granted, that the Army stood bound by their *Covenant and Oath*, to *preserve the rights and Priviledges even of such Parliaments* as that was, which they divided, yet they stood bound also by the same Covenant and Oath, to such a duty or engagement, the faithfull application of themselves whereunto, in

Sect. 37.

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the caſe in hand, did fairely both in the ſight of God, and men, diſcharge them from that other obligation: even as the duties of circumciſing, and of ſacrificing, when the ſeaſons appointed for them by the Law, fell on the Sabboth, privileged thoſe from guilt in breaking the Law of the Sabboth, who performed them on that day. It is a common rule avouched by the beſt of our Divines, and by the light of nature and reaſon it ſelfe, *that when two duties or commands meete in ſuch a ſtraight or exigent of time, that they cannot both receive that honour of obſervance, which belongs unto them, that which in the judgement of the Law-giver is the greater, ought to be obſerved and the leſſer to give place, for the time.* Now in that *Covenant and Oath* which the objection ſpeaketh of, there are theſe two duties or engagements (amongſt others) impoſed upon thoſe, who take it. 1. An *endeavour to preſerve the rights and priviledges of Parl.* 2. The like *endeavour to preſerve THE LIBERTIES OF THE KINGDOM.* The Covenant in both theſe, as in all other particulars contained in it, the takers of it ſtand bound by the expreſſe tenour thereof (in the ſixth Article) to *promote according to their power againſt all lets and impediments whatſoever: and what they are not able THEMSELVES TO SUPPRESSE or overcome, they ſhall reveal and make knowne, that it may be timely prevented or removed: all this they ſhall do as in the ſight of God.* Which laſt words (compared with the words mentioned from the third Article) cleerely import, that the Covenanters ſtand bound, to *promote the liberties of the Kingdome againſt all lets and impediments*, even in *Parliaments* themſelves, if any be found there: yea and further ſuppoſe, that they may *THEMSELVES SUPPRESSE and overcome what* they *are able* (*viz.* of whatſoever oppoſeth the intent and end of the *Covenant*, which doubtles, was the benefit and good of the Kingdoms) eſpecially when they know not where, or to whom *to reveale* or *make knowne* the obſtructions they meete with, in order to any probable or likely *prevention* or *removall* of them, in due time. Therefore if the duty of *preſerving* or *promoting that peace and liberties of the Kingdom, be greater*, then that of *preſerving the rights and priviledges of Parliament*; and the Army could not performe the former, without making ſuch a breach as they did, upon the latter; evident it is, that in making this breach they are innocent and blameleſſe. For the latter of theſe, it

Cùm duo præcepta concurrunt, majus debet ſervari: In ipſo Decalogo, cum videmus duo interſe præcepta confligere, & alterum ab altero impediri, illud, quod legislatoris ipſius ſententiâ, videbitur eſſe majus, præferri debet. Pet. Mart. in 1 Sam. c. 21. 3.

it is as cleare as the Sun from what was laid down *Sect.* 21. that had not the Army interpoſed to ſuch a breach of rights and priviledges, as is charged upon them, the peace of the Kingdome, had (in all humane likelihood) been ſwallowed up in blood, and the liberties, in oppreſſion and tyrannie. Concerning the former, there is full as little, or rather leſſe, queſtion. That common maxime, which rules eſpecially in politicall affaires, *Bonum quo communius, eò melius*, the more common or extenſive a good is, the greater or better it is, doth ſufficiently confirme it. The *preſervation* of the *liberties of the* whole *kingdome*, is without all peradventure a great dutie, then the maintenance or *preſervation* of the *liberties* or priviledges onely of a part of it; eſpecially of ſuch a part, which, for number, is inconſiderable. Beſides, that which gives a kinde of ſacred inviolableneſſe unto *the rights and priviledges of Parliament*, is that typical relation which they beare to the *rights*, *priviledges*, and liberties of the Kingdome and Common-wealth. Now types are alwayes inferour to the things imported, and repreſented by them, as ſervants are unto their Maſters; and when they occaſion, or threaten any damage, to their anti-tipes, they may and ought ſo far to ſuffer a defacement, as the braſen Serpent was beaten to powder by *Hezekiah* when it occaſioned Idolatry againſt him, whom it repreſented.

Thirdly (and laſtly) ſuppoſe there had been no expreſſe clauſe in the Covenant, joyning the *preſervation of the liberties of the Kingdom* as well as of *the rights & priviledges of Parliament*, yet had the Army a more then warrant ſufficient to have ſtood up for the *preſervation* of them, as they did, and that without any breach of *Covenant*. Men by the tenure of their very lives and beeings, which they hold of the God of nature, their great Creator, ſtand bound to obey the Laws of nature, and that againſt all other obligations or bonds whatſoever: yea the truth is, that all other obligations ceaſe in the preſence of this, all Lawes Covenants and Engagements beſides, being homagers unto it. Now there is no Law of nature that ſpeakes more plainly, or diſtinctly, then this; That the ſtrong ought to ſtand by the weak in caſes of extremitie, and danger imminent, eſpecially when reliefe cannot reaſonably be expected from other hands. Nor is it credible that either the Covenant-makers, or the Covenant-takers, did thereby intend, either in the generall, any diſ- *Sect.* 35.

obligation from the Laws of nature, or from duties, otherwise then by the said Covenant lying upon men: nor in particular, any such *preservation of the rights and priviledges of Parliament* which should be inconsistent with *the liberties of the Kingdoms*. And it is a common rule amongst Lawyers, for regulating the interpretation of Laws, as likewise of all other Declarations of men by words, whatsoever; that *the mind or intent of the speaker is to be preferred before, and is more potent* [and consequently rather to be obeyed] *then his words*.

Scire leges, inquiunt Jurisconsulti, non est verba earum tenere, sed vim ac potestatem, quia prior atque potentior est, quàm vox, mens dicentis. Hug. Grot. in Mat. 12. 3.

Nor doth the Act of the Army in that dissociation of the Parliament under debate, colour, or shadow (in the least) with the act of the King, breaking into their House, and demanding which, and how many of their Members he pleased, to be sacrificed upon the service of his will. For,

First, It was more civilitie in the Army, to denie admission, or entrance into the House, unto those Members, whose sitting there they judg'd of desperate consequence unto the Kingdome, then it would have been, by force and violence to have pull'd them out from thence; which was the Kings act, *in actu signato* (as the Schoole men distinguish) though not *in actu exercito*, the providence of God and men comporting to prevent this. And we know the old saying,

Turpius ejicitur quàm non admittitur, hospes. i.
A guest we like not, 'tis more commendable
To keep, then cast, out from our doores and table.

Secondly, The Members which the King sought to lay hold of, and to disparliament, were such, who *THEN* were (or at least were so looked upon by him) as the greatest Patrons and Protectors of the Kingdomes Interest, and who, like the *cloudy and fiery pillar* of old, kept the *Egyptian* prerogative from comming at the *Israelitish* libertie, to destroy it. Whereas the Members, who were denied the House by the Army, were turn'd Proselytes to prerogative, and had renounced the Law and Doctrine of the peoples liberties. Therefore

Thirdly (and lastly), the cleare tendencie of the Act of the King, was the violation of the Law of nature, by seeking to advance the will and power of one, or of some few, above, and against, the peace and comforts of many, whereas the act of the Army held a *loyall* conformitie with the *royall* Law, the face of it being

being manifestly set to subject the power, interest and will of one, unto their lawfull Superior, the just Interest or comfort of many. Therefore to goe about either to justifie the Kings act, by the act of the Army, or to condemne the act of the Army, by the Kings, is as if I should undertaked to prove, that the night is lightsome, because the day is so, or that the day is darke, because the night is so.

Sect. 40. The fourth grand Objection.

A fourth objection in the mouthes of some, against which they conceive the Army cannot be justified in the businesse in question, is, that all such actions are contrary unto, and condemned by the Lawes of the Land. But to this objection, at least to the weight and substance of it, wee have already answered over and over; and particularly have asserted and proved, First, that all humane Laws and constitutions, are but of a like structure and frame, with the Ceremoniall Lawes of old made by God himselfe, which were all made with knees, to bend to the Law of nature, and necessity. Secondly, That it is to be presumed, that the intent of all Law-givers amongst men, is notwithstanding any, or all their Lawes seemingly commanded the contrary, to leave an effectuall doore alwayes open for the common good, and in cases of necessity, to be provided for by any person, or persons, whatsoever. Thirdly, that all lawes binde onely according to the regular and due intentions of the Law-makers. Fourthly, that the Lawes of nature, and necessity, are as well the Lawes of the Land, as those commonly so called. Fifthly, that when any two Lawes encounter one the other in any such exigent, or straite of time, that both of them cannot be obeyed, the Law of inferiour consequence ought to give place to that of superior, and the duty injoyned in this, to be done, though that required in the other, be left undone. We now adde,

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First, That wee charitably suppose, that there is no such Law of the Land, which prohibitteth or restraineth any man, or sort of men, from being Benefactors to the publique; especially from preserving the publique liberties in cases of necessity, when they stand *in extremâ regulâ*, and are in imminent danger of being oppressed for ever, there being no likelyhood of releife from any other hand. And if there bee no such Law as this, there is none that reacheth the case of the Army, no not in the criticall or characteristicall circumstance of it.

Secondly, That in case there be any such Law as this, that it is a meere nullity, and the matter of it no more capable of the forme of a Law, i. of an obliging power, then timber or stone is capable of information by a reasonable soule, which according to vulgar Philosophy rather then the truth is, the proper forme of a man. The Lawes of Nature, and of common equity, are the foundation of all Lawes (truly and properly so called) and whatsoever venditateth it selfe under the name or notion of a Law, being built besides this Foundation, wanteth the essence and true nature of a Law, and so can bee but equivocally such.

Sect. 42. Thirdly, if there be a Law, which maketh force, offered to Magistrates, or persons in authority, in any kinde, or any interrupting or disturbing them in their way, punishable; yet neither doth this evince the act of the Army, we so much speake of, to have been contrary to the Laws. The reason is, because it is the constant genius and manner of Law-givers and of Lawes, to lay down only the general rule, and to conceale the exception; which they still suppose, are, or may be. Now the exception doth not break the Rule, nor is it properly contrary to the Rule, I meane, so as to evince a nullity, or crookednesse in it, onely it is not comprehended within the verge or compasse of the Rule. *All cases* (saith the *Roman* Orator and Statesman) *are not provided for by written Lawes, but onely those which are plain, the exceptions being left out*, or omitted. (a) Consonant hereunto is that of *Grotius*: *In Lawes prohibitory* (saith he) *the words are commonly larger, then the mind or intent of the Law.* (b) Upon which occasion that vertue, which the *Grecians* call ἐπιείκια, we, *Equitie*, appeares to be most necessary in a Judge, or any other, to whom it shall appertain to expound Lawes; the property hereof being (as *Aristotle* long since observed) *to rectifie* [or right state] *the Law, where it is defective, through the generality of it.* By *rectifying the Law*, he meanes nothing else, but a limiting and restraining the binding force of it to cases intended by the Law-makers; together with an exemption of such cases from it, which upon grounds of reason and equity it may be conceived never were intended by them to be concluded in it. So that in some cases to presse and urge the rigorous extent of the letter of the Law, is to turne the waters of the Law into blood,

(a) Non omnia scriptis, sed quædam, quæ perspicua sunt, tacitis exceptionibus caventur. Cicero de Invent. l. 2.

(b) In legibus prohibitoriis plerunque verba latius patent, quàm mens ipsa legis. in Matth. 12. 3.

Ἐπανορθοῖ τὸν νόμον, ἢ ἐλλείπει διὰ τὸ καθόλου.

blood, and to overturn the true intent and meaning both of the Law, and Lawgiver at once. Such urgings and preſſing of Lawes without due limitation, gave occaſion to that Proverbiall ſaying in *Tully*; that *the Higheſt Juſtice, is the Higheſt injuſtice.* And the Imperial Law it ſelf makes him no better then a tranſgreſſor of the Law, *who fraudulently abuſeth the ſtern prerogative of words contrary to the ſenſe and meaning of the Law.* And elſewhere: *No reaſon of Law, or fairneſſe of equity, will endure it, that through hard conſtructions* [*of words*] *wee ſhould turn theſe things againſt the benefit of men, which were wholſomly brought in* [*amongſt them*] *for their profit and good* (b.) Doubtleſſe they ſtumble at this ſtone, who pretend to find any ſuch Law amongſt the Lawes of the Land, by which the Army ſhould be denied a liberty, or lawfulneſſe of power to ſecure the peace and liberties of the Nation, by ſuch a method and courſe, as they ſteered; neceſſity lifting up her voyce, and crying unto them with ſuch importunity, to do it. For (as the afore-named *Grotius* well obſerveth) *amongſt all the exceptions, which are tacitly included in lawes, there is none, either more uſually, or more juſtly admitted, then that which ariſeth from neceſſity.* (c) By what we have argued, and related from learned and judicious men in this point, evident it is, both by the light of reaſon, as alſo from the teſtimony of very competent witneſſes, that whatſoever the *laws of the Land* be, the Army could be no tranſgreſſors of them in ſtanding up and interpoſing as they did, to vindicate the publique liberties of their Nation, in ſuch a caſe of neceſſity, as that before them.

Summum jus, ſumma injuria. Idem facit, ac is qui legem tranſgreditur, qui ſæva verborum prerogativa fraudulenter contra juris ſententiam abutitur. Cod. 1. tit. 1. le. 5.

(b) Nulla juris ratio, aut æquitatis benignitas patitur, ut quæ ſalubriter pro hominum utilitate introducuntur, ea nos duriore interpretatione, contra ipſorum commodum producamus ad ſeveritatem. Digeſt. l. 1. tit. 3. de leg: leg. 14. Sect. nulla.

(c) Inter omnes autem exceptiones, quæ tacitè inſunt legibus, nulla eſt aut juſtior, aut receptior, quàm ea quæ fluit ex neceſſitate. Hug. Grot. ubi ſuſuprà.

Sect. 43. The fifth great Objection.

A fifth Objection, wherewith ſome ſtrengthen and comfort themſelves againſt the deportment of the Army, hitherto juſtified, is this: The example of the fact muſt needs be of very dangerous conſequence to the Kingdome. For by the ſame reaſon, and upon the ſame account, that the Army oppoſed the preſent Magiſtracy, and proceedings of the publique affaires amongſt us, any other party of men, making, and finding themſelves ſtrong enough for the undertaking, may at any time attempt

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the like disturbance, and confusion: and so the Kingdome shall bee alwaies in danger of the like combustions and broyles. I answer,

First, That the lawfulnesse or goodnesse of an action is not to be measured or judged, by what *may* follow upon it, by way of sequell or event, but by what is *like* to follow upon it, and this not by accident, or by misconstruction, but according to the native tendency, proper ducture, and inclination of it. It is wittily said by one, that *he that goeth about to read the badnesse, or goodnesse of an action by the event, holds the wrong end of the booke upward. Christ* did not amisse in giving a sop to *Judas*, though presently upon the receiving of it, the *Devill* entred into him and prevail'd with him to betray him very suddenly. Nor would it argue any thing amisse in what the Army did, though never so many troubles, and tumultuous risings of people should breake out upon pretence of it. The reason is, because, as the grace of God it selfe, though a thing of most incomparable sweetnesse and worth, may nevertheless bee (yea, and daily is) *turned into wantonnesse*, and much sin and wickednesse occasioned by it in the World; so, and much more, may the most worthy actions and services of men, bee compelled to pretence the worst and vilest deedes that lightly can bee perpetrated. Therefore,

Sect. 44. Secondly, Suppose the Army should have apprehended, not onely a possiblity, but even a probabillity, that that fact of theirs wee speake of, would beget out of its owne likenesse, and occasion disturbances of quite another genius and spirit from it selfe; yet might it have been sinfull and unworthy in them notwithstanding to stand still, and not to have acted as they did. The reason is, because when seed time is come, men must not *observe the windes*; nor *regard the clouds*, when it is time to *reape*. As men must *not doe evill, that good may come of it*, so neither must they forbeare the doing of good, *because* evill *may* come of it. Men are bound to sow the seed of good actions, though they had some cause to feare that an increase of Dragons would spring from it. But,

Sect. 45. Thirdly, that no action of any bad consequence to the Kingdome, can truly plead legitimacy of descent from this of the Army, is evident thus. Where there is not a concurrence of the same

ſame circumſtance (I meane, either formally, or equivalently the ſame) there can be no place for exemplarineſſe, or likeneſſe of action. And when there is, or ſhall be, the like politicall conſtellation with that, under which the Army acted, the like action cannot in the direct and native tendencie of it, be of any ill conſequence to the Kingdome. The killing of a man by *Titius* being aſſaulted, and in his own defence, is no ground, ſo much as in colour or pretence for *Sempronius* to ſlay a man travelling peaceably by him on the way.

Fourthly, Nor is it like that the action of the Army we ſpeak of, ſhould by any back-doore of miſconſtruction whatſoever, let in miſchiefe or diſturbance into the Kingdome; conſidering that it was performed and done in due order to ſuch a proviſionall ſettlement of affaires in the Kingdome, that as far as is poſſible, there may, neither occaſion be given, on the one hand, nor opportunitie left, on the other, to any party or number of men, to attempt any interrupture, diſtraction, or diſturbance therein. Therefore, to pretend or plead, that the ſaid action of the Army, is like to cauſe future trouble or diſturbance in the Nation, is as if a man ſhould ſay, that to build and houſe ſtrong, walt, doores, and windows, were of dangerous conſequence to invite theeves to to aſſault, and break into it. *Sect.* 46.

Fifthly (and laſtly) The action of the Army is not diſparageable by any poſſibilitie or likelihood of evill, that it may occaſionally bring upon the Kingdome afterwards, more then the preſervation of a man from imminent death is reproveable, becauſe by it he is occaſionally expoſed to dye another time: They who conceive that it had been better for the Kingdom, and more conducing to the peace of it in after times, that the Army ſhould have ſat ſtill, and not interpoſe, as they did, argue at no better rate of reaſon, then I ſhould doe, in caſe I ſhould perſwade my friend, being dangerouſly ſick, not to uſe the help of a Phyſitian for his recovery, becauſe in caſe he did recover, his recovery might prove a probable occaſion of more ſickneſſe unto him afterwards. *Sect.* 47.

——— *Quis furor eſt, ne moriare, mori? i.*
What madneſſe is't, through feare of future death,
To wiſh my ſelfe depriv'd of preſent breath?

If

If the Army had not applyed that plaiſter of ſteele to the boyle, or plague-ſore of the Kingdome, which they did, there had been little, or no hope of the recovery thereof, from that politicall death, the ſymptoms whereof, had ſo ſtrongly ſeized the vitall parts of it. So that through the cure, in proceſſe of time ſhould prove an occaſion of a relapſe, or bring the like diſtemper again upon it; yet, as *Hezekiah* was not without cauſe thankfull unto God, who made an addition of fifteene years unto his life, after his ſickneſſe unto death, though this addition did not excuſe him from dying afterwards. So ſhall the people of the Nation have juſt cauſe of thankfulneſſe unto the Army for thoſe dayes of freedome and peace, be they fewer, or be they more, which they ſhall enjoy, though ſlavery and oppreſſion ſhould return upon them afterwards like *clouds after the rain.*

Sect. 48. The ſixt main Objection.

Another Objection, deemed by ſome impregnable, and above anſwer, is framed by way of inference from *Rom.*13.1,2. *Let every ſoule be ſubject to the higher powers* —— *Whoſoever therefore reſiſteth the power, reſiſteth the Ordinance of God: and they that reſiſt ſhall receive to themſelves damnation.* From hence the Army are concluded Tranſgreſſors, and lyable to condemnation, becauſe they *reſiſted the higher power*; and therein, *the Ordinance of God.* But with this Objection wee are not behinde-hand, having given a ſufficient anſwer unto it already, the ſubſtance of it being nothing but what the ſecond Objection offered. Notwithſtanding becauſe we deſire to give heaped meaſure of ſatisfaction, eſpecially to ſuch arguments, which pretend to the Scriptures; we thought it not amiſſe to lay the words themſelves before you, out of which the objection is fram'd, and ſo to give in the ſurpluſſage of a further anſwer unto it. Therefore

(*a*) Secundò igitur diſtinguendum inter poteſtatem ipſam, & poteſtatis abuſum: eam, non autem hunc, ordinavit Deus Imò non magis ab eo probatur abuſus poteſtatis legitimæ in uno tyranno quàm poteſtas illegitima in altera.

1. We anſwer, by diſtinguiſhing (with the Miniſters of *Scotland*, in their brief *Theſes de Majeſtatis jure*) between the *power* of Magiſtrates, and the *abuſe* of this power. *The power* (ſay they) *is from God*, and ſo his *ordinance*, but not the *abuſe* of it. *Yea, he no whit more allows the abuſe of a lawfull power in one tyrant, then* [the uſe of] *an unlawfull power in another.* [a] So that if it were the *abuſe* onely of a lawfull *power*, which the Army *reſiſted*, they *reſiſted*

ſted no Ordinance of God, nor are they, for ſuch an act, made lyable to any *condemnation* by the Scripture mentioned. Now that it was not any *power*, but the *abuſe of power*, which the Army *reſiſted*, hath been more then once, clearly enough evicted in this Apology; and is further evidenced from hence; no other *power*, but that which is Parliamentary, can be pretended to have been *reſiſted* by them, in that act ſo often mentioned. But that they did not *reſiſt* this *power*, but the *abuſe* of it onely, apperaes; 1. Becauſe this *power* remaines at this day quiet and undiſturb'd, in the midſt of them. Yea, 2. Their great care and deſire is, to ſettle this *power* upon better tearmes for the due government of the Nation, then thoſe, on which it hath been continued hitherto.

If it be ſaid, that the Parliamentary *power* now in being, is no lawfull *power*, becauſe it is under force; I anſwer, 1. that it is no more under force, then it was, whilſt all the Members now ſecluded, had free liberty to ſit and Vote in that Houſe. The ſame Army, which is now pretended to over-awe, or keep under force the preſent Parliament, was as neere, and did as much to the Parliament then, in matter of force or awe, as now it is, or doth. Therefore if it were a lawfull *power* then, it is no leſſe lawfull now. 2. Nor is the Parliament at this day under any more force, by reaſon of the Army, then it was for the ſpace of about two yeares together before, by reaſon of the continuall tumultuous engagements and practices, both in the City and Countrey. Nay 3. I verily beleeve, that if the Members of Parliament now ſitting, would pleaſe to declare themſelves upon the point, they would acknowledge and confeſſe, that they are as free from force, or feare (at leaſt in reſpect of the Army) now, ae they have been at any time ſince their firſt meeting in their Houſe. But to the maine objection in hand, I anſwer. *Sect.* 49.

2. The *ordinance of God* in Magiſtraticall power, being the adequate foundation, upon which that *ſubjection*, or obedience, which he requireth of men unto it by his command, is, and ought to be built; evident it is, that this *ſubjection* is not commanded or required to this *power*, beyond the *ordinance of God* in it; i. unto any act, or injunction of men inveſted with this *power*, which ſwerveth from, eſpecially which oppoſeth, this *ordinance of God* (in the end and intent of it.) Now the end and intent of the *ordi-* *Sect.* 50.

nance of God in magistraticall *power*, being (as the Apostle cleerly asserteth, *vers.* 4.) the *good* of those that are subject to it [*For he is the Minister of God to thee, for good*] it is evident yet further, that there is no *subjection* commanded by God unto any *higher powers*, further, or otherwise, then they act and quit themselves in a due order and proportion to the *good* of men. And where *subjection* is not commanded, *resistance* is not prohibited; and consequently, is not unlawfull. *For where there is no law, there is no transgression.* Therefore if those *higher powers*, the *resistance* whereof the objection chargeth upon the Army, were found acting, and apparantly bent to act on, in a way of manifest prejudice and opposition to the *good* of those, from whom they expected subjection (which I presume, is little questionable to him; that hath read and weighed the premisses) and consequently, quite besides the end and purport of the *ordinance of God*, the Army, in that *resistance* which they made against them, transgressed no law, or precept of God.

Nor doth it follow from any thing that had been said, that a Magistrate for every errour in the administration of his power, may be deposed from his place of Magistracy by any party of men: but this is that, which only followes, that, when the supreame Magistracy of a Kingdome shall be so farre, whether blinded in judgement, or corrupted in affection, that such counsels and actings put forth themselves in them from time to time, which are apparantly detrimentous and destructive to the generall and great interest of the due liberties of the people, reasonable security may be taken of them by any party of this people, having the opportunity, and all others wanting it, that they shall proceed and act no further in such a way.

3. (And lastly) that *resisting the ordinance of God* in the *Higher Powers*, which the Apostle (in the Scripture in hand) *condemneth*, is not a deteyning of men in Authority, though with a strong hand, from doing mischiefe in their places; but either (as was formerly said) a refusing obedience unto their lawful commands, or awards: or rather a complotting or attempt-making to shake off the yoke of all obedience unto civill Magistracy. *Calvin* upon the place seemes to incline to the latter; *Paræus*, unto the former, whose words are these: *Yet every disobedience is not to be ter-*

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med rebellion, or reſiſtance; but only that, which out of malice is practiſed, or admitted, contrary to the lawes, by thoſe, who refuſe to ſatisfie the law, by ſuffering ſuch puniſhment, as they have deſerved [a]. If either of theſe interpretations of the place be admitted, certain it is, that it reflects no bad colour at all upon the action of the Army; who neither refuſed obedience in what they did to any command (much leſſe to any lawfull command) of their Superiours, nor yet declin'd the giving of ſatisfaction unto the lawes, by refuſing to ſuffer any puniſhment, which they had deſerved. *Pareus* layes downe this poſition upon the place, and maintaines it by argument; viz. *That it is lawfull for ſubjects, though meere private men, in caſe a Tyrant ſhall aſſault or ſet upon them, as Thieves uſe to doe, and offer them violence, in caſe they want opportunity to implore the ordinary power for their reliefe, and can by no other means eſcape the danger, to defend themſelves and theirs, in the caſe of preſent danger, againſt this Tyrant, as againſt a private robber upon the high way* [b].

But concerning the true ſence of the place, *Calvin's* apprehenſions are of beſt comportance with the words; which properly and primarily ſpeake of magiſtraticall power or Authority in the abſtract, and this under ſuch a circumſcription and conſideration onely as it proceeds from, and is authorized by God, and not of the perſons of Magiſtrates at all, otherwiſe then they adminiſter this power in a regular and due order to the end intended by God in it, which is (as hath beene ſhewed from *verſ.* 4.) the *good* of thoſe, that live under it. Firſt, he doth not ſay, *let every ſoule be ſubject to the higher Magiſtrates*, but, *to the higher powers*. 2. Nor doth he ſay, *There is no* Magiſtrate, but of God; but, *there is no power but of God*. Nor 3. doth he ſay, *the* Magiſtrates *that are*, but, *the powers that are, are ordained of God*. Nor 4. *Whoſoever reſiſteth* the Magiſtrate, but, *whoſoever reſiſteth the power, reſiſteth the ordinance of God: and they that reſiſt* [viz. *the power*, not the perſon] *ſhall receive to themſelves damnation*, 5. He demands, *Wilt thou then not be affraid of the power?* not, of the Ruler or Magiſtrate. *Chryſoſtome* takes ſpeciall notice of theſe expreſſions, and thereupon commentarieth the place, thus: *What ſayeſt thou* [Paul] *Is then every Ruler ordeyned by God? No* (ſaith he) *I ſay not ſo: nor doe I now ſpeake of particular Rulers*, or *Magiſtrates, but of the thing* [or, matter]

[a] Non quævis tamen in obedientia, dicenda eſt rebellio, vel reſiſtentia; ſed ea ſolum, quæ contra leges, ex malitiâ admittitur ab ijs, qui per poenã commeritam legibus ſatisfacere detrectant.

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[b] Subditis tamen merè privatis, ſi tyrannus tanquam latro et graſſator, aut ſtuprator, in ipſos faciat impetũ, et ipſi nec poteſtatem ordinariam implorare nec aliâ ratione effugere periculũ poſſint, in preſenti periculo ſe et ſuos contrà tyrannum, ſicut contrà privatum graſſatorem defendere licet.

matter] *it ſelfe* [i. of the order, or power of ruling] *For that there ſhould be powers* [or Magiſtracy] *and that ſome ſhould rule, and ſome be ruled, and that all things ſhould not runne looſely and hand over head, or the people bee like the waves* [of the Sea] *carryed hither and thither, I affirme it to be the worke of the wiſedome of God.* (a) *Pareus* himſelfe likewiſe carryeth the words directly to the ſame point: Hee *names powers* (ſaith hee) *rather then Kings, Princes,* &c. *becauſe he would bee underſtood to ſpeake, not ſo much of the perſons, as of the order* [or ordinance it ſelfe of ruling] *For in the perſons* [of Rulers] *vice oft times, and cauſes of not obeying, are found: therefore he would have the powers, to be differenced from the perſons.* (b)

(a) Τί λεγεις, πᾶς ὃυν ἀρχων ὑπὸ τυδεῦ κυχιεοτόητται. Οὐ τῦτο λεγω, φησὶν, ὑδὲ ὡσει τῶν καδέκαστον ἀρχόντων ὁ λόγος μει τῦν ἀλλα' ὡσει ἀυτῦ τῦ πραγμα τῦ. Τὸ γαρ' ἀρχας ἐιναι κὴ τῦς μὲ ἄρχειν, τῦς δὲ ἄρχεδαι, κὴ μηδὲ ἁπλῶς κὴ ἀνέδην ἅπαντα φέρεδαι, ὥσπερ κυμάτων τῆδε πάντε τῶν ὑπὸ θεῦ συρίας ἔργον ἐιναι φημι.

(b) Vocat autem poteſtates potius, quàm Reges, Principes, &c. ut non tamde perſonis, quàm de ordine ipſo loqui intelligatur. Nam in perſonis ſæpe ſunt vitia & cauſa non obediendi: ideò à perſonis diſcerni vult poteſtates.

It is true, the Apoſtle names *Rulers*, ver. 3. where he ſaith, *Rulers are not a terrour to good workes, but to the evill*: And *ver.* 4. of the Magiſtrate or Ruler he ſaith, that *hee is the Miniſter of God to thee for Good*; and afterwards, that *he is a revenger to execute wrath upon him that doth evill.* But evident it is, that in theſe paſſages, hee ſpeakes of Rulers and Magiſtrates not ſimply, or at large, but under the preciſe conſideration of perſons exerciſing the power, which they have received, in a due ſubordination unto God, and with a ſingle eye to the procurement of that *good*, which God intended unto thoſe, who are to obey, in his *ordination* of ſuch *powers*. So that nothing can be more cleere, then that the adequate ſcope of the Apoſtle, in the Scripture before us, was to perſwade *Chriſtians* to owne, and to ſubject themſelves unto, civill Authority, as the ordinance of God, ſo farre, and in ſuch caſes, as it ſhould be adminiſtred by the perſons inveſted in it, in a regular and due proportion to the benefit and good of thoſe. *i.* of thoſe communities of men reſpectively, who live under them, and from whom obedience and ſubjection are, upon ſuch an account, due unto them. This ſuppoſed, we may ſafely, and without the leaſt occaſion of ſcruple, conclude, that there is nothing applyable in the Scripture in hand, to the eaſe of the Army hitherto argued; unleſſe (haply) it ſhou'd be ſuppoſed (and the ſuppoſition will not be altoge-

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ther without ground) that the Apostle inforcing subjection unto civill Authority, meerely as, or because, the *ordinance* of God, and as administred according to the gracious intentions of the founder and ordainer of it, tacitly, and in a consequentiall way, implyeth a liberty in men to decline this subjection, when the administrations of it are irrigular, and the gracious intentions of God violated in them. For in many cases, when an action is pressed in the nature of a duty, upon a speciall consideration or ground, the consideration failing, the action loseth the nature and relation of a duty. Now if this supposition be admitted, it is a cleare case, that the Scripture under debate, is altogether with, and not at all against, the Army.

I know nothing of moment, that can be opposed against the lawfulnesse of the action, hitherto apologised and justified in these papers, beyond what hath beene already bought and sold (I meane, urged, and answered) at sufficient rates. The lawfulnesse of the action we speake of, being supposed, the honour and worth of it are of much more easie demonstration. For what better savour can a Christianly-heroique Spirit spread abroad of it selfe, then when men shall put their lives in their hand, and in this posture stand up to take Lyons by the beards, when they are ready to teare in pieces, and devour the Sheepe of the fold? to attempt the wresting of an Iron Sceptre out of those hands, which were now lifting it up to breake a poore Nation in pieces *like a potters vessell*? What the Army hath done in this behalfe, calleth to minde the unparallellable example of the Lord *Jesus Christ*, blessed for ever, who *descended into the lower parts of the earth*, went downe into the chambers of death, from thence to bring up with him a lost World. It was the saying of *Plato*, that *to doe good to as many as we can, is to bee like unto God.* But to doe good to as many as we can, as well enemies, as friends, by an exposall of our owne lives unto death for the accomplishment of it, is a lineament of that face of divine goodnesse, which *Plato* (it is like) never saw. It was the manner of almost all Nations (as the *Roman* Orator observeth) to place the Assertors of their Countries liberties, next to the immortall Gods themselves, at the Table of honour. And I make no question, but when the Inhabitants of this Nation shall have dranke

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Τοὺς πιλείστους εὖ ποιεῖν, ἐστι τῷ θεῷ ὅμοι οὖσθαι.

a while of the ſweet waters of that Well of liberty, which the Army have dig'd and opened with their Swords, after it had been for a long time ſtop'd and fil'd up with earth by the *Philiſtims*, they will generally recover of that Malignant feaver, which now diſtempereth many of them, and be in a good poſture of ſobriety and ſtrength to *riſe up early*, and call their Benefactors, *Bleſſed*. However, the *good will of him that dwelt in the Buſh*, be upon the head of ſuch Warriors, who purſue that bleſſed victory of *overcomming evill*, by doing *good*; and according to the method of the warfare of Heaven, ſeeke to *reconcile* a Nation *unto themſelves*, by *not imputing* their unthankfulneſſe, or other their evill intreaties unto them, but in the midſt of their owne ſufferings from them, ſet themſelves with heart and ſoule to ſet them at liberty from their Oppreſſors.

Faults eſcaped.

P. 11. l. 19. for *palbably*, r. *palpably*. p. 19. l. 28. for *theſe*, r. *their*. p. 26. l. 11. dele, *we*. p. 35. l. 35. for *dangerous*, r. *dangerous*.

FINIS.